

UNIVERSITY OF HELSINKI

The use of non-gendered terms in the historical courtroom

- subtle assessments of the defendants?

Susan Huotari

MA Thesis

English Philology

Faculty of Arts

University of Helsinki

March 2018

Tiedekunta/Osasto – Fakultet/Sektion – Faculty Humanistinen tiedekunta		Laitos – Institution – Department Kielten osasto	
Tekijä – Författare – Author Susan Huotari			
Työn nimi – Arbetets titel – Title The use of non-gendered terms in the historical courtroom – subtle assessments of the defendants?			
Oppiaine – Läroämne – Subject Englantilainen filologia			
Työn laji – Arbetets art – Level Pro gradu -tutkielma	Aika – Datum – Month and year Maaliskuu 2018	Sivumäärä – Sidoantal – Number of pages 77 sivua ja liitteet (9 sivua)	
Tiivistelmä – Referat – Abstract <p>Tässä tutkielmassa tarkastellaan näennäisesti sukupuolineutraalien termien käyttöä viitattaessa oikeudenkäynnin vastaajaan 1700- ja 1800-luvuilla Englannissa. Tutkimuksen tavoitteena on selvittää, miten todistajien sukupuolineutraalien termien käyttö ilmaisee piileviä asenteita mies- ja naispuolisia vastaajia kohtaan.</p> <p>Tutkittava aineisto on kerätty <i>Old Bailey Corpus 2.0</i> -korpukselta, ja sitä on täydennetty <i>Proceeding of the Old Bailey</i> -oikeudenkäyntiasiakirjoilla. Teoreettisena viitekehyksinä toimivat saavutettavuusteoria (eng. Accessibility theory, Ariel 1990) ja subjektiivisuus (Traugott 2010; Langacker 2008). Tutkimus koostuu kahdesta osasta. Kvantitatiivisessa osassa tarkastellaan 20 vastaajaan viittaavan sukupuolineutraalin termin esiintymiä niiden määräisyyden kannalta. Kvalitatiivisessa osassa puolestaan syvennytään kahden sukupuolineutraalin termin (<i>creature</i> ja <i>person</i>) käyttöön referentti- ja sukupuoliryhmittäin. Jälkimmäinen aineisto on koottu yhteensä 219 todistajalausunnosta, joissa edellä mainitut termit esiintyvät.</p> <p>Tuloksista käy ilmi, että rikollisuuteen tai epäilyttävään luonteeseen viittaavat termit (esimerkiksi <i>criminal</i>, <i>stranger</i>) ovat subjektiivisia. Toisaalta sellaiset termit kuten <i>prisoner</i> ja <i>defendant</i> ovat tässä yhteydessä objektiivisia, sillä ne viittaavat vastaajan rooliin oikeudenkäynnissä. <i>Creature</i> ja <i>person</i> puolestaan ovat monitulkintaisempia termejä. Niiden käyttö on osittain sukupuolittunutta, joskaan sukupuoli ei ole ainoa selittävä tekijä. Termin <i>creature</i> kohdalla referentit ovat useimmiten naisia, mutta käyttö vaihtelee oikeudenkäyntiroolin (esim. vastaaja, todistaja) ja rikosnimikkeen mukaan. Myös puhujan suhde referenttiin vaikuttaa ilmaisun valintaan. Termin <i>person</i> referentit ovat puolestaan useimmiten miehiä. Rikosnimikkeellä ei näytä olevan vaikutusta, sillä kyseistä termiä käytetään useimmiten kuvailuissa, joissa ilmaistaan varmuutta tai epävarmuutta viitatus henkilön identiteetistä.</p>			
Avainsanat – Nyckelord – Keywords historiallinen sosiolingvistiikka, saavutettavuusteoria, subjektiivisuus, sukupuoli, sukupuolineutraali termi, todistaja, vastaaja, oikeudenkäynti, <i>Old Bailey</i>			
Säilytyspaikka – Förvaringställe – Where deposited eThesis			
Muita tietoja – Övriga uppgifter – Additional information Sukupuolineutraalien termien käyttö historiallisessa oikeussalissa – vastaajien hienovaraista arviointia?			

Table of contents

1. Introduction	1
1.1 Aims and scope of the study	1
1.2 Research questions and hypotheses	3
1.3 A brief note on key terminology	4
1.4 Outline of the study	4
2 Background	5
2.1 Gender issues	5
2.1.1 Language and gender	5
2.1.2 Gender in the eighteenth and nineteenth centuries	7
2.2 Crime and the courts in the eighteenth and nineteenth centuries	9
2.2.1 The ‘criminal class’	9
2.2.2 Social crime	10
2.2.4 Female offenders	11
2.3 Courtroom discourse	13
3 Frameworks	15
3.1 Non-gendered terms	15
3.2 Accessibility theory	18
3.3 Subjectivity	22
3.3.1 Definiteness and syntax	23
3.3.2 Semantic change	24
4 Materials and methods	25
4.1 Materials	25
4.1.1 <i>Old Bailey Corpus 2.0</i> and the <i>Proceedings</i>	25
4.1.2 The <i>Proceedings</i> as historical documents	26
4.1.3 Linguistic reliability of the <i>Proceedings</i>	28
4.2 Methods	31

4.2.1 Quantitative study	31
4.2.2 Qualitative study	32
5 Analysis.....	34
5.1 Quantitative study of definiteness	35
5.2 Case study 1: <i>Creature</i>	39
5.2.1 Overview of the dataset.....	39
5.2.2 Referential <i>creature</i>	41
5.2.3 The referents.....	43
5.2.4 Semantic change.....	51
5.2.5 Multiple Correspondence Analysis	52
5.3 Case study 2: <i>Person</i>	55
5.3.1 Overview of the dataset.....	55
5.3.2 Referential <i>person</i>	57
5.3.3 The referents.....	57
5.3.4 Multiple Correspondence Analysis	61
6 Discussion	63
6.1 Quantitative study	63
6.1 Case studies of <i>creature</i> and <i>person</i>	64
6.3 Methodology and data.....	66
7 Conclusion	70
References	73
Appendix A: List of selected non-gendered terms and their adjectival premodifiers	
Appendix B: Different meanings of <i>creature</i> in use between 1730 and 1910	
Appendix C. Different meanings of <i>person</i> in use between 1730 and 1910	
Appendix D: Frequency tables for specified figures	
Appendix E: Offence categories included in MCA of <i>creature</i>	
Appendix F: Offence categories included in MCA of <i>person</i>	

List of tables

Table 1: Years and amount of trials included in the sample for person.....	34
Table 2: Definiteness of simple NPs.....	36
Table 3: Definiteness of premodified NPs	37
Table 4: Proportion of indefiniteness of premodified NPs with a degree modifier ...	38
Table 5: Gender and social class of speakers (creature)	40
Table 6: Definiteness vs. gender and role of referent (creature).....	45
Table 7: Gender and social class of speakers (person)	56
Table 8: Definiteness vs. gender and role of referent (person)	59

List of figures

Figure 1: The accessibility marking scale (adapted from Ariel 1990: 73).....	19
Figure 2: Frequency of creature, utterances (n=250)	40
Figure 3: Gender and role of referents (creature).....	43
Figure 4: Gender distribution of references to defendants (creature)	44
Figure 5: Gender of speakers and referents (creature)	44
Figure 6: Definiteness of lexical NPs (creature)	51
Figure 7: MCA factor map of creature.....	53
Figure 8: Frequency of person, entire corpus (n = 15,803).....	56
Figure 9: Gender and role of referents (person).....	58
Figure 10: Gender of speakers and referents (person)	58
Figure 11: MCA factor map of person	62

1. Introduction

1.1 Aims and scope of the study

Rogue, villain, criminal – or simply *prisoner*? There were many ways of naming and / or referring to the defendant in the historical courtroom. Among these terms is one term in particular, *creature*, which stands out as somewhat different from the others. It does not appear to pass judgement – at least not as overtly as, for example, *villain*. But neither does it come across as a purely objective term synonymous to *person* or *individual*. Although all of the terms mentioned above resonate on different frequencies, they have a common denominator: they do not explicitly specify the gender of the person. Terms such as these are known as non-gendered terms.

Gender neutral language is currently a widely discussed topic, among other aspects of gender neutrality. In our day and age, gender neutrality has become expected as the norm and deviations from it are considered as remnants of a distant past that does not reflect the values of our modern, progressive society.

This study takes on a historical approach to sociolinguistics by investigating the use of non-gendered terms in the courtroom in the eighteenth and nineteenth centuries. Although non-gendered terms do not explicitly specify the gender of the person, previous research on their historical uses (Persson 1992, 1996; Wallin-Ashcroft 1992, 1996, 2000; Nordberg 2002; Lilja Visén 2007, 2012) has shown that they often display a certain gender bias. It has been suggested that gender biases in language are due to contemporary perceptions of gender roles and the different values and expectations attached to them (cf. Wallin-Ashcroft 2000: 73).

The historical courtroom has received a lot of attention in linguistics research. While some studies have focused on various individual features of specific sources, for example the Salem witchcraft trials (cf. Archer 2002; Chaemsaithong 2009; Kahlas-Tarkka & Rissanen 2007, 2011) or the proceedings of the *Old Bailey* (Cecconi 2012; Chaemsaithong 2014; Rama-Martinez 2013), the majority of studies aim to describe courtroom interaction from a particular point-of-view but yet on a more general level (cf. Archer 2005, 2006, 2011; Cotterill 2010). Their main concern has usually not been on gender issues, nor have they factored in the influence of different types of offences. So far, the only gender-related studies based specifically on historical courtroom data are by Lilja Visén (2007, 2012).

For the purposes of this study, I will focus on trials held at the Old Bailey, London's central criminal court, from 1673 to 1913. The data for this study is drawn from two sources: *Proceedings of the Old Bailey* (March 2015) and the *Old Bailey Corpus 2.0* (OBC), which is based on the former. The *Old Bailey Corpus 2.0* consists of speech events and it covers a time period from 1720 to 1913. The courtroom is a unique setting which provides data for a multitude of research questions in various fields of research. One aspect of its attraction lies in its ability to provide an exception to most historical material which is often limited in terms of presenting the voice of ordinary people. The study of crime also provides a source for understanding of the lives and attitudes prevalent in a society (Sharpe 1984: 188). As for the time period in question, i.e. the eighteenth and nineteenth centuries, crime caused a lot of public concern (Shoemaker 2008: 562). Not only did attitudes towards crime vary depending on the severity of the offence, they also depended on the gender of defendant. For example, fewer women than men were ever brought to trial but when they were, women were treated more leniently by the courts (Beattie 1986).

My analysis consists of two parts, quantitative and qualitative. I will begin with a corpus-based investigation of the definiteness of twenty most frequent non-gendered terms (in the *Old Bailey Corpus 2.0*) that are likely to have been used to denote the defendant. The second part of my analysis will be devoted to the qualitative case studies of two non-gendered terms: *creature* and *person*. In order to do so, I will investigate speech events (utterances) in witness testimonies that contain the terms *creature* and *person*. Although my analysis is solidly grounded in the concepts of Accessibility theory (cf. Ariel 1990, 2001) and subjectivity (cf. Traugott 2010; Langacker 2008), it is not, however, based on a pre-existing framework as such. Instead, it is a combination of applied linguistic research methods introduced by Vartiainen (2016, 2017, Submitted) as well as statistical modelling.

Having said that, the aim of this study is to provide a new perspective to our knowledge of non-gendered terms, how they were used in the historical courtroom as well as to the ways in which they can be studied. In addition to focusing entirely on courtroom data, my current study differs from previous studies of non-gendered terms in other ways as well. As I already mentioned above, the main difference compared to previous studies is that I approach non-gendered terms from the perspective of subjectivity – instead of categorizing words according to their semantic categories (see definition in section 3.1) or on a positive–negative axis. I have also adopted a wider

definition of non-gendered terms according to which a term is considered non-gendered if it does not specify the gender of the person, regardless of its semantic category. Evidence of non-gendered terms showing gender bias has until now been based solely on the gender of the person and the above mentioned dual categorization of collocates. My current study will include more variables, for example definiteness, the role of the denoted person and the offence category. Finally and most importantly, based on these variables, it is my aim to derive interpretations of the subjectivity and subtleness of *creature* and *person* in the historical courtroom.

1.2 Research questions and hypotheses

My main research question is as follows: how are the subtle attitudes – if any – towards male and female defendants conveyed through the use of non-gendered terms in witness testimonies? I aim to answer this question with the help of a variety of more narrow, concrete questions:

- What is the relative subjectivity of the selected non-gendered terms? ¹
- How do the other terms measure against *prisoner* and *defendant*?
- Who are the referents of *creature* and *person*, and are there any differences between referent groups?
- What can be said of the referential uses of *creature* and *person*?
- Do male and female speakers differ in their use of *creature* and *person*?
- Does the type of offence have an impact on the use of *creature* and *person*?
- Did the use of *creature* change over time?

My first hypothesis is that *prisoner* and *defendant* were the so-called default options for referring to the defendants. This means that I expect them to be unambiguous, neutral terms of reference which occur mainly in definite NPs. Furthermore, I hypothesise that *creature* and *person* are more subjective terms than

¹ The non-gendered terms selected for this study are: *blackguard, criminal, foreigner, offender, rascal, rogue, scoundrel, stranger, thief, villain, defendant, prisoner, acquaintance, friend, neighbour, child, creature, individual, person, youth*.

prisoner or *defendant*, so that choosing *creature* / *person* instead of *prisoner* / *defendant* is, in itself, a form of covert evaluation of the referent. I expect both *creature* and *person* to show gender bias, but I also hope to find evidence of a correlation between subjectivity and the seriousness of the offence.

1.3 A brief note on key terminology

Before proceeding any further, I wish to point out and clarify two key terms that occur frequently in this study and the use of which may otherwise cause confusion: ‘referential’ and ‘referent’. According to Huddleston et al. (2002: 399–410), an expression is referential when “it is used to refer to” an “independently distinguishable entity, or set of entities, in the real world”, whereas a referent is the entity which is being referred to. Referential expressions are typically noun phrases (NPs), but not all NPs are referential, e.g. descriptive constructions containing *be* are considered non-referential.

For economies of space, I use the term ‘referent’ in a more general sense than just the entity referred to by a referential NP, i.e. I use the term ‘referent’ to denote all discourse referents labelled as *creature* or *person* (or as used in the literature). When I point to the ‘referent’ in its grammatical sense, i.e. the entity referred to by a referential NP, I do so explicitly by using the expression “referential (use of) *creature* / *person*”.

1.4 Outline of the study

The structure of this thesis is as follows. In section 2, I provide background information of the eighteenth and nineteenth centuries: gender issues, crime and the courts as well as female offenders. I conclude the background section with an introduction of the unique features of courtroom discourse. Section 3 is devoted to my frameworks and previous studies related to non-gendered terms. I also explain how non-gendered terms are defined in my study. The materials and methods used in this study are introduced in section 4. In addition to providing basic information of the

contents and structure of both the *Old Bailey Corpus 2.0* and the *Proceedings of the Old Bailey*, I discuss the reliability of the *Proceedings* both as historical documents as well as from a linguistic point of view. In the latter part of the chapter, I introduce the individual methods used to carry out the quantitative and qualitative parts of this study. In section 5, I present the results of my study. In section 6, I evaluate the results of my analysis by comparing them to previous studies, as well as by reflecting on its merits and limitations. I conclude this study in section 7 with a brief summary and commentary, including future research ideas.

2 Background

2.1 Gender issues

2.1.1 Language and gender

Gender is not a synonym for a person's biological sex, although they can, and do, coincide. It does not exist by itself, but is instead constructed (or performed) through a variety of gendered acts – one the most central ways being the use of language. Studies focusing on the relationship between language and gender (cf. Lakoff 1975, 2004; Romaine 1999; Eckert & McConnell-Ginet 2003; Hall & Bucholtz 1995) have shown that the English language conforms with certain gender stereotypes that are rooted in Western way of thinking, i.e. male as the norm and female as the deviant other, inferior to men. No discussion of language and gender can afford to overlook Robin Lakoff's *Language and Woman's Place* (1975) which, in the words of Hall et al. (1995:1), was 'the field's foundational text.' Lakoff argued that the language available to us suppresses women and keeps them in their place, i.e. in a subordinate position, in society. On the one hand, there is the way in which women themselves speak – 'women's language.' Evidence of this can be found on all levels of language, including such features as higher precision in discriminating between colours, talking a lot, avoiding 'strong' language, or even in the choice of figurative adjectives (e.g. *adorable*, *charming*) – all of which mark the use of language as feminine and thus weaker, without power (Lakoff 1975: 6–19).

The world has changed considerably since the 1970s, as Lakoff (2004) is glad to point out. Yet, the other side of the coin, how men and women are spoken about, has not changed in the same proportion. According to Romaine (1999: 2–3), although gender-neutral terminology has made its way into various areas of public life, many of these terms (e.g. *person*) are, in fact, not as neutral as they would appear, but instead often have a masculine default interpretation. This social asymmetry inherent in (although not restricted to) the English language has oftentimes been illustrated by comparing pairs of words which represent the equivalent terms for both men and women. It has become a well-established fact that over time a multitude of words and expressions with female referents have acquired a negative sense (including sexual overtones), whereas the male equivalents have retained their original senses or strengthened their positive ones (cf. Romaine 1999: 91–94).

Examples of this semantic pejoration of female terms have become classics in their own right, as it were (Lakoff 1975, 2004; Eckert & McConnell-Ginet 2003: 70–72). Let us begin with *master* / *mistress*. Originally, both terms were equal in that they denoted the referent's power over someone else, i.e. servants. As society changed, the original meaning became redundant and the words began to acquire specialised meanings. According to Schulz (1975: 64–74), the male term *master* broadened its scope over inanimate objects and ideas, whereas the meaning of its female counterpart *mistress* was confined to a more limited, sexual sense. The difference becomes even more pronounced when modified with an adjective such as *old*. While being an *old master* calls forth positive associations, the same cannot be said to hold true for an *old mistress*.

Language also contains a high degree of indirect moral evaluations. For example, let us consider the words *bachelor* and *spinster*. Both denote an unmarried person, but apart from that they have very little in common. Although *bachelor* contains a sexual aspect, the connotations are positive and suggest freedom of choice, whereas *spinster* is a pejorative term insinuating that there exists a best-by-date for women and that the referent has exceeded it (Lakoff 2004: 61–62). Just imagine the consequences if the female equivalent of the reality show 'The Bachelor' had been called 'The Spinster' instead of 'The Bachelorette.' Although *bachelorette* is clearly less pejorative than *spinster*, some might argue that the diminutive suffix *-ette* still renders the unmarried woman as somewhat inferior to the unmarried man.

These two examples have served to foreground the sexism in language which more often than not goes unnoticed. As users of language in everyday situations, we take language as a given and are perhaps not aware that English contains, for example, approximately 200 terms for a sexually promiscuous woman but only some 20 for sexually promiscuous men (Romaine 1999: 98). The asymmetries discussed in this chapter did not come about suddenly, nor by chance. Every society at any given time is a reflection of its own past. In order to better understand the present, we must, therefore, look to the past to a time when different spheres existed for men and women which will be the focus of the following chapter.

2.1.2 Gender in the eighteenth and nineteenth centuries

During the eighteenth and nineteenth centuries, England experienced fundamental changes such as industrialization, population growth, the emergence of a middle class, and, consequently a class society, as well as the growth of mass literacy – all of which had significant implications on society, the economy and politics, but also in terms of gender roles (Shoemaker 1998: 5–6). According to Shoemaker, it has often been put forth that this was also a period when so-called different spheres for men and women emerged. While it is unarguably true that there was a substantially increasing division between the social roles played by men and women, the separation of genders was not unique to this particular period, nor were the genders ever completely separate either.

Ideas regarding the differences between genders were firmly rooted in both Christian and Aristotelian traditions (Fletcher 1995: 60–82; Shoemaker 1998: 15–21). In The Book of Genesis, God created man and woman, but not as equals. The idea that the woman was ‘the weaker vessel’, inferior and subordinate to the man, was the dominant view on women. Later on, arguments based on biblical foundations were to be challenged by the scientific revolution and especially by developments within the medical field. That is not to say that they necessarily had much to do with biological facts, at least from our modern point of view. Up to the Early Modern period, medicine was based on Aristotle’s theory of four primary qualities (or humours) hot, cold, moist and dry, which all things were believed to contain in varying degrees. The humours were considered as ‘biological’ facts which, therefore, justified the perceived gender differences: men as hotter and drier were stronger and more intelligent, while women

as cooler and moister were seen as weak and passive. In the eighteenth century, humoral theories fell into the background as gender differences were justified based on different nerve structures – yet again to the disadvantage of women who were seen as irrational and backward as opposed to rational and civilised men.

From this ‘scientific’ point of view it is no wonder that genders were considered fundamentally different, nor that gender roles did not change considerably during this period. Of course, gender roles are a part of social order which does not tend to change rapidly. Gender roles were acted out and passed on by one generation to the next, but they were also reinforced through other formal and informal social factors (Fletcher 1995: 256–267; Shoemaker 1998: 309–313). A key division line existed between domestic and public life, with the former seen as more suitable for women. Given that women were considered less able (both physically and mentally) than men, it follows that women’s work opportunities were restricted mainly to low status positions that did not require strength or ‘scientific’ skills, such as domestic service. Women were also restricted by law from playing a part in some male-dominated areas of life, such as politics and having independent control of property.

However, gender roles also underwent significant changes during this period, and the greatest ones have to do with public life (Fletcher 1995: 256–279; Shoemaker 1998: 313–316). To see this, one has only to think of the rise of feminism and the suffragist movement which eventually (in the early 20th century) brought women the right to vote. Although the Evangelical Revival of the late 18th and early 19th centuries promoted views of women’s moral value within the domestic circle, the church was losing its authority which, in turn, opened up new avenues for female participation in public activities. But while employment opportunities for women increased, the range of employment did not. This applied to men as well – both men and women continued to be confined by their gender roles.

But naturally, social reality is always more complex than this brief account has perhaps suggested. The fact is that although men and women dominated different areas of life, domestic vs. public, these domains were never completely separate (Shoemaker 1998: 306–307, 318). For example, men had responsibilities concerning the upbringing of their children, especially their sons. On the other hand, as we have seen, women were becoming increasingly active outside the home, performing various tasks from earning an income to seeking to influence public opinion by forming pressure groups. However, it must be pointed out that despite the public sphere being dominated

by men, in reality, it was not accessible to the vast majority of men either, for example due to them not having universal right to vote.

2.2 Crime and the courts in the eighteenth and nineteenth centuries

As a social phenomenon, crime is inherently complex and multifaceted. This is especially important to keep in mind when charting criminal behaviour of the past. Not only have conceptions and attitudes towards crime changed considerably over the decades, so has the justice system through which crime is moderated. The purpose of this section is to chart the social context of crime in the eighteenth and nineteenth centuries. I begin by introducing the concepts of the criminal class and social crime, and then give an overview of how the justice system worked. Finally, I discuss the unique features of courtroom discourse.

2.2.1 The ‘criminal class’

Throughout history, crime has, no doubt, been committed on all levels of society, but the ‘social profile of the English criminal’ has changed, and most notably so from the Middle Ages to the seventeenth century (Sharpe 1984: 95–99). In the Middle Ages, it was not uncommon for the upper classes to be involved in criminal acts. While seeking to enhance his power and prestige, it was commonplace for ‘the robber baron’ to disregard the law and to resort to violence for the advancement of his own causes, or as a means of defending his honour. But things changed, little by little, and the landed aristocracy began to show increasing control over their tempers. It seems plausible that several cultural developments of the time which defined new boundaries for the proper conduct for the aristocracy were the leading force behind this development. Although ‘upper-class debauchery’ is known still to have occurred, as well as gone largely unpunished, violent conduct by the gentry had become less acceptable by the mid-eighteenth century.

At the same time, a new criminal stereotype had emerged: the poor (Sharpe 1984: 94, 99–103). Employment in pre-industrial England was to a large extent tied to the rhythm of harvests, so full-time work could be available only for a couple of

months each year. If the harvests failed, there were even less work opportunities and, due to sharp increases in the price of grain, the poor could not afford to buy their daily bread. Together with substantial population growth (it has been estimated that the population in England doubled between 1500 and 1630), the country was drifting towards a Malthusian situation². As always, it was the lower ranks of society who had to pay the price of economic and social change. In such circumstances, they had very little choice other than to resort to begging and stealing.

Beginning in the mid-eighteenth century, rapid industrialization and the subsequent urbanization drove the poor into an even more desperate situation. This did not go unnoticed by the public at large, but while the dire situation of the poor was to some extent recognized, little attention was paid to trying to understand the harsh reality of their situation (Emsley 1987: 72). On the contrary, they were seen as a threat to public order, and by the mid-nineteenth century, the criminalization of the poor had become a generally accepted idea (Sharpe 1984: 176–7). Court records help to explain how such attitudes would have come about (Emsley 1987: 48–49). The vast majority of offences dealt with by the courts in the eighteenth and nineteenth centuries was theft, most of which were petty. Furthermore, because the prototypical offender was a person from the lower ranks of society, there appeared to be a correlation between crime and social class. Society was not, however, ignorant of the fact that the better-to-do also committed crimes, but they were not as much considered as part of a larger problem than as exceptions within their otherwise respectable social class.

2.2.2 Social crime

Although the poor had been stigmatized as the ‘criminal class, a general attitude towards crime did not exist on any level of social hierarchy (Beattie 2002: 73). Instead, attitudes varied considerably depending on the type of crime committed and how they should be punished.

Crime in our present day context is generally considered to include actions that are in contradiction to the law. But because law is essentially an expression of power,

² i.e. a situation in which population growth vastly exceeds the growth of food supply.

legislation and legitimacy are not always equal terms. Therefore, it is important to draw a distinction between actual and social crime, i.e. between official and popular conceptions of legitimacy. Thus, the concept of social crime refers to actions for which the generally held values of a society, or a part of it, are in conflict with the written word of the law (Emsley 1987: 2–3; Sharpe 1984: 122–140). Social crime is, therefore, legitimizing action which seeks to draw attention to the shortcomings or inequity of official views, for example by means of social protest. How general these contradicting views really were remains unanswered, but a distinction has been made between ‘good’ and ‘bad’ criminals (Sharpe 1984: 122–123) – those who defended culturally held rights and values, for example poachers and wreckers, and those whose maliciousness posed a threat to the order and safety of the society, for example robbers and murderers.

Social crime around the turn of the eighteenth century typically took the form of either social protesting or consisted of breaches of the law which were not considered criminal acts (Emsley 1987: 3). Both types had their origins further back in history. Rioting, for example, had been a key means for the lower orders to voice their criticism against the authorities ever since the Early Modern period (Sharpe 1984: 123). Although riots represented, and still do, a disruption in the order of society, only rarely did they pose a more serious threat. On a general level, rioters merely wanted to draw attention to the harsh realities they were subjected to, for example the costliness of food (Emsley 1987: 3). At the other extreme were crimes that were not generally perceived, at least not initially, as such, for example poaching.

2.2.4 Female offenders

The witchcraft trials of seventeenth century had been exceptional in that only a very small proportion of those accused of witchcraft had been men. On a general level, women were treated more leniently in the legal system, so it would appear that the view of women as being “inferior” to men might, at least in this context, have worked in their favour. The purpose of this chapter is to provide a broad overview of the types of crimes women committed and how female offenders were dealt with by the courts during the eighteenth and nineteenth centuries.

Crimes committed by men and women differed both in frequency as well as in kind. On a general level and in the case of the most common offences, for example theft, the overwhelming majority (some 85%) of those accused were men (Sharpe 1984: 108). Women also appear to have been a lot less likely than men involved in violent offences, such as murder, but there was one type of homicide in which women clearly outnumbered men, i.e. infanticide (Beattie 1986: 113–120). Regardless of any popular opinions that this type of offence might stir, the courts went to considerable lengths in order to find grounds for acquittal. If the accused woman could convincingly show that she had made preparations for the birth, for example by presenting a piece of clothing meant for the child, it was taken as evidence of her intention to care for the infant, and not to kill it.

The processing of infanticide cases was quintessential of how female offenders were treated by the justice system in general. Firstly, women were prosecuted less frequently than men (Beattie 1986: 113). In the case of violent crime, it is possible that especially men were reluctant to make public the fact that they had been attacked by a woman (Shoemaker 2004: 168). The courts were also less willing to indict women, even for the same offences (Beattie 1986: 403–414). The difference is most clearly highlighted in the case of murder trials where the average acquittal rate for women was some 30% and only 12% for men. As to other offences, the difference was not as significant but existed nonetheless. It was also common for married women on trial together with their husbands to be acquitted while their husbands were sent to the gallows. Eighteenth century gender perceptions can cast light on this phenomenon, for it was universally assumed that those women had acted according to the orders of their husbands and not of their own free will. Of course, if substantial evidence of the contrary was found or the offence was capital, women could be held responsible to the full extent of the law. Female offenders were also more likely to be brought under statutory limits, i.e. finding them guilty of lesser charge for example by reducing the value of stolen items so that the case could be tried as a minor offence, and, especially if the woman was pregnant, to receive reprieves (i.e. postponement of execution) which could often lead to full pardons (Beattie 1986: 430–431).

Another matter of significance as to why women got off more easily than their male counterparts, was that because female offenders were “inferior”, they were not seen to pose as great a threat to the order and safety in society as men did (Beattie 1986: 436–439). It must also be noted here that one important aspect of capital

sentencing was to set an example and therefore to deter potential felons from following a similar path. But for the example to have its intended and full effect, women were not the best candidates, because they were more likely to be pitied – harsh treatment of women could even rouse animosity among the public. Instead, the occasional execution of a female criminal was sufficient to serve the purpose. As for the rest, many were acquitted, as was already mentioned, or found guilty of a lesser charge (e.g. murder was reduced to manslaughter) for which they were imprisoned or assigned to be transported instead.

However, this brought about a new kind of problem: prisons were reaching the limit of their capacity (Beattie 1986: 479, 481–482, 611–613). Already by the beginning of the eighteenth century, it had become apparent that women, along with other groups of convicts unfit for hard labour, were mostly ‘non-transportable.’ The transportation of convicts was organized as a private enterprise which, in effect, meant that women were not wanted, because they were of little use in the colonies. In order to overcome this stalemate, the government came up with some solutions, that is, either simply to release them or to pay for their transportation. But even with the founding of Botany Bay in Australia in 1788, fewer women than men were transported – mostly due to them having committed lesser offences, however. So, until the end of the nineteenth century, women were more likely than men to be sentenced to hard labour in a house of correction.

2.3 Courtroom discourse

The justice system, within and outside of the courtroom, and attitudes towards crime may have changed drastically over the past centuries. In contrast, the language produced in the courtroom today is not far removed from, for example, the language produced in the eighteenth century courtroom. The courtroom is a unique setting in which opposite interests come together, or clash, and are resolved following a rigid set of rules. Thus, courtroom discourse is set apart from other types of discourse by its purpose and formality.

Discourse in the courtroom is governed by an interpersonal hierarchy which consists of pronounced asymmetrical power structures (cf. Archer 2005, 2006, 2011; Cotterill 2010; Kryk-Kastovsky 2006). At the top of this hierarchy is the judge who has

the power to interact with and direct the interaction of other participants in the courtroom, as well as the power of passing the sentence (Cotterill 2010: 354–356). Next, there are the lawyers who play a central role, especially in present day trials, but although lawyers frequently get to hold the floor, they must act according to strict rules and give way to the judge. The least powerful participants in the courtroom are the witnesses and defendants who may not speak unless spoken to and who are under obligation to answer any questions directed to them.

This asymmetrical power structure also manifests itself in courtroom discourse which consists to a great extent of a dialogue between the powerful and those in lack of power (Kryk-Kastovsky 2006: 165). The dialogue takes the form of questions and answers (cf. Archer 2005). According to Kryk-Kastovsky (2006: 165–166) legal language is idiosyncratic on so many different levels that it can be considered as a unique register, or even a variety. Disregarding the fact that legal jargon is not accessible to all participants, the style of legal language is clear and simple due to institutional requirements of brevity and relevance. The discourse structure of legal language differs from ordinary conversation in that turn-taking allocations are unequal. While the more powerful may hold the floor for longer and allocate turns, those lacking power have the right to speak only when a turn is granted, and even then, they are not at liberty to speak freely, but must say only what is required of them in a relevant manner. The same holds for the pragmatic features of legal language. Courtroom discourse is context-dependent and to a great extent non-spontaneous. Since it is a form of public speech, it is necessarily relatively formal. From a socio-pragmatic perspective, courtroom discourse is more performative than other types of discourse, for example conversations outside the courtroom. In the courtroom, decisions become binding rules.

Asymmetrical power relations were even more pronounced in the courtrooms of the past, especially between the judge and the defendant. Lawyers had barely begun to make their way into the courtroom by the eighteenth century (Beattie 1986: 356; Langbein 1978: 282–283). While the judge often acted as the chief examiner questioning all parties involved in the case, defendants were more often than not left to defend themselves. In fact, before the 1730s, defendants in murder trials were not allowed defence counsel, and later on when they were allowed, very few found it worthwhile (Beattie 1986: 226). The crucial baseline assumption in all offence categories was that the defendant was guilty and that the act had been deliberate, and

it was universally considered that the best defence was the defendant's 'own natural and unprepared response' (Beattie 1986: 79–80, 350). As it was the defendant's task to point out flaws in the prosecution's evidence, the defendant did not have to remain silent and thus had the right to interrupt and cross-examine witnesses (Beattie 1986: 348). The defendants' success in defending their own case depended on various factors, for example whether they had been able to call their own witnesses or how comfortable they were about speaking in public (Beattie 1986: 350). Most defendants did not have a lot to say for themselves (Langbein 1978: 307), and if they did, it was simply to deny any allegations made against them or "to make some ineffective comment that often only got them into deeper trouble" (Beattie 1986: 352).

Courtroom interaction follows a strict set of rules and legal language can be ascribed its own unique characteristics, but this is not to say that all participants necessarily conform to their prescriptive roles. They may, for example, exert rebellion by refusing to answer questions or by straying from the topic (Cotterill 2010), which makes courtroom data an interesting source for linguistic study.

3 Frameworks

3.1 Non-gendered terms

Before I discuss my main theoretical framework and studies related to it, I wish to clarify what I mean by *non-gendered terms*. I use the term in a very broad sense, whereas previous studies have used it in a narrow sense. I will begin by explaining the latter first. The terminology used to denote male and female referents has attracted a lot of attention in previous research – both in present-day use (cf. Persson 1992) and in a historical context. However, historical studies have mainly focused on fiction, namely novels (Bäcklund 1996; Wallin-Ashcroft 1992, 1996, 2000) or drama (Nordberg 2002). Apart from Lilja Visén (2007, 2012), who focuses on courtroom discourse, research has devoted very little attention to non-fictional data. In her study of examinations and depositions from both sides of the Atlantic (BrE: *Corpus of English Dialogues (1560–1760)* vs. AmE: *The Salem Witchcraft Papers*), along with journal texts, Lilja Visén (2007, 2012) approaches her data in a similar vein as has been done in the fiction-related studies – by categorizing gender-related terms based

on their semantic domains, and by investigating how terms in each category have been used in terms of the referent's gender. The eight semantic categories are as follows (Lilja Visén 2007: 20):

- central terms (e.g. *man*, *woman*),
- relational terms (e.g. *husband*, *wife*),
- epicene terms (e.g. *child*, *person*),
- occupational terms (e.g. *maid*, *weaver*),
- title terms (e.g. *gentleman*, *lady*),
- depreciative terms (e.g. *rogue*, *witch*),
- appreciative terms (e.g. *saint*, *hero*), and
- religious, social and political terms (e.g. *Jacobite*, *Protestant*)

Apart from the epicene terms, the categories are more or less self-explanatory. *Epicene* terms are a curious group of terms – while they refer to an individual and may, or may not, imply a relation to someone else (e.g. *neighbour*), they do not specify the referent's gender in any way, not by expressing it by means of morphological marking (e.g. *countess*) nor, for example, by mentioning the referent's profession or title. Furthermore, *epicene* terms do not express overt evaluations of the referent (censure or approval). I find it possible that for this reason they are considered to be, at least in theory, gender-neutral terms.

Epicene and *non-gendered* are considered synonymous in the literature, meaning that they are defined in the narrowest sense possible, i.e. including only terms that are supposedly neutral in terms of both the referent's gender as well as evaluation. Although I do not disagree with this kind of categorization as such, I do find it somewhat insufficient for the purposes of my study. The reason is very straightforward: terms that refer to the defendant, including *defendant* itself and especially *prisoner*, are labelled as depreciative terms and thus belong to another group. However, many depreciative terms (along with appreciative terms, and even religious, social and political terms) do not specify the gender of the referent any more than purely epicene terms do.

Based on this conventional semantic categorization, non-gendered terms denoting the defendant belong mainly to two different categories (i.e. epicene and depreciative), but only *epicene* terms would be considered non-gendered, leaving the

most frequent term, *prisoner*, out of the picture completely. For this reason, I will henceforth use *non-gendered terms* in the wider sense to denote all terms with human reference that do not overtly express the referent's gender, occupation or religious affiliation regardless of implied evaluation in a more general context.

Categorizing terms based on semantic domains can complicate matters when looking at a specific referent in a specific context. In chapter 1, I also hypothesized that *prisoner* is perhaps not a depreciative term in the courtroom. This kind of reasoning relates to a more general peril of using a positive-negative dichotomy as the basis of categorization. Not only can language users have different perceptions of one and the same lexeme but, more importantly, the context (physical and / or linguistic) it is used in can paint a word with a completely different connotation than it would have on its own. The issue becomes even more problematic if we consider adjectival modifiers and how they affect our interpretation of the modified noun. For example, let us consider the noun *bastard* which is clearly an offensive word – but not in every context. If we were to modify it with a 'positive' adjective, e.g. *lucky bastard*, the head noun now obtains a different sense which is quite the opposite of offensive (Persson 1996).

Now, let us turn our attention to the adjectival modifiers. They, too, can be categorized in terms of positive versus negative connotations. For example, Lilja Visén (2007) has done so according to the following principle: if the quality denoted by the adjective is such that it would be desirable to possess more of it, the adjective is labelled as positive and vice versa. On a general level, this kind of a categorization makes sense, but it is not always straightforward. Semantic categories can overlap so that some adjectives (as was the case with non-gendered nouns discussed above) could be assigned to more than one category, in which case decisions need to be made based on the context. The task is even more challenging when dealing with historical data.

At the end of the day, categorizing words based on semantic domains or their connotations on a positive-negative axis is, to a large extent, based on subjective evaluations. As such, interpretations can vary depending on the researcher. In the hopes of avoiding these kinds of problems, I will not be categorizing the words in my data but will instead approach them from another point of view – subjectivity – which I will introduce in section 3.3. Before doing so, I will introduce the main framework which all that follows leans upon.

3.2 Accessibility theory

Although words carry specific meanings, we cannot know by looking at them in isolation which is the intended one. Words are parts of utterances, but even utterances can take on different interpretations depending on the context in which they were uttered. So, our ability to retrieve the intended referent will depend on the referring expression used by the speaker as well as which mental representations are activated at the time, i.e. how accessible information the speaker provides, given what we know of the context and what has been previously mentioned.

Accessibility theory (Ariel 1990, 2001) is an overarching description of the system by which context retrievals are governed. It is founded on the idea that speakers collaborate with their addressees and they do so by using the kind of referring expression that is appropriate for the addressee to retrieve the intended mental entity at each stage of the discourse. By doing so, it is closely linked to the issue of relevance which I will discuss briefly before moving on to a more detailed description of the Accessibility theory itself.

Whenever a speaker utters something, the addressee must decipher what, or who, the referred entity is. This is an automatic process in which the addressee takes into account as much relevant information as possible. Depending on the referring expression, identifying the correct contextual implication out of a variety of possible ones requires different levels of effort and different amounts of time (the latter being known as the processing cost). In order for speakers to make themselves understood correctly and efficiently, they must aim for optimal relevance. In an optimal situation, the speaker's utterance contains enough contextual clues to enable the addressee to process the information correctly while keeping the process cost-efficient (Ariel 1990: 2–3). This balance is where accessibility steps in – it is the means by which the addressee is able to arrive efficiently at the intended mental entity (Ariel 1990: 171).

Referring expressions, or accessibility markers, signal different levels of accessibility. They can be ordered on a so-called accessibility scale between low and high accessibility. A brief note on the accessibility levels is in place as they may be somewhat counterintuitive. High accessibility does not equal easy access, but rather the opposite of that, and vice versa. In other words, accessibility denotes a kind of a retrieval threshold. Low accessibility points to entities that are accessible through

general knowledge of the world (for example, *the president of Finland*). The threshold for these items is low and thus the retrieval is easy. On the other hand, high accessibility means that crossing the threshold requires more effort. In order for the referents of high accessibility markers (for example, personal pronouns) to be identified correctly, they need to be active in the discourse situation.

Ariel (1990, 2001) ranks referential expressions on a scale between low and high accessibility, as represented in Figure 1 below.

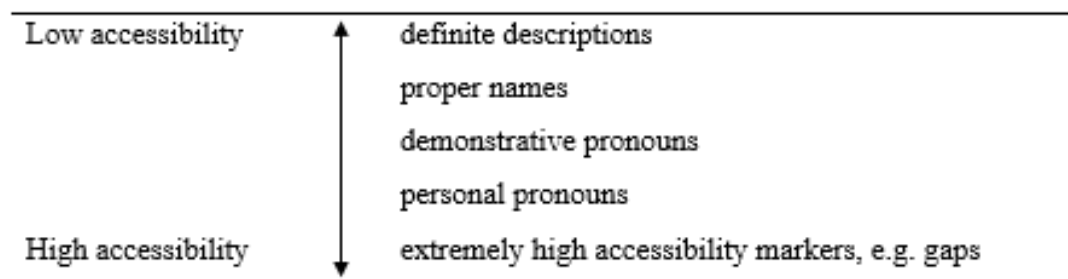


Figure 1: The accessibility marking scale (adapted from Ariel 1990: 73).

The scale is not, as Ariel points out (1990: 75) a complete representation of possible referring expressions, but it does capture differences between the accessibility between various markings. Low accessibility markers, such as definite descriptions and proper names, represent specific information that is based on shared knowledge. They are commonly used as initial references, i.e. to introduce a new discourse referent. Low accessibility markers are by default unambiguous and, as such, they can also refer to entities that are no longer active in the discourse situation, for example entities mentioned some time ago. The harder it is to retrieve the intended mental entity, for example in the case of proper nouns, the more descriptive elements are needed (Ariel 1990: 76).

Once the intended mental entity is active in the discourse situation, speakers move to higher accessibility markers, such as personal and demonstrative pronouns which are so-called intermediate accessibility markers. It seems intuitively clear that their interpretations require additional information, i.e. knowledge of the speech situation. Demonstratives often function as pointing devices indicating distance (*that*) or proximity (*this*), but they can also be used anaphorically signalling different levels of accessibility – proximal markers are more accessible than distal ones. On the other

hand, while first and second person pronouns are unambiguous in a speech situation, third-person pronouns (*s/he*) involve a wider variety of possible referents. Personal pronouns are thus higher accessibility markers than demonstratives. Other high accessibility markers mentioned are markers of so-called deep anaphora, such as sentential *it* and null complements. The interpretation of these accessibility markers depends heavily on the immediate linguistic context.

To sum up the discussion so far, we can say that Accessibility theory is a hierarchy of referential expressions. Given the context, it predicts the choice of relevant marker to be used in that particular situation. But speakers do not always comply with this hierarchy. Instead of choosing the predicted, most cost-effective reference, they may choose a lower accessibility marker than would be needed. According to Ariel (1990: 199–204), such deviations from the hierarchy function so as to lead the addressee to add contextual implications to their interpretation. For example, by using a lower than predicted accessibility marker, the speaker draws more attention to the referent, which highlights a specific aspect of the referent – thus, adding to the subjectivity of the expression. Similarly, the speaker may opt for a higher than necessary accessibility marker, which implies closeness to the referent.

Counter-examples of the Accessibility theory can also be used to unveil gender differences (Ariel 1990: 207–220). Based on data from Israel, Ariel discovered that not only are men and women addressed differently – for example, men are more likely to be referred in occupational terms whereas references to women are more likely to foreground their femininity or role within the family – male and female referents also operate on slightly different levels of the accessibility scale. In the case of women, along with other minority groups, there is a tendency for so-called accessibility raising, i.e. women are referred to with relatively higher accessibility markers (first name) than men (full name). Thus, accessibility raising signals out-group status. Although this is an inherently negative implication, accessibility raising can also sing of greater empathy. Either way it marks the referent as different from the norm.

The study of violations of the accessibility hierarchy can thus be used to reveal contextual implications. Vartiainen (2017, Submitted) has found evidence of referential NPs as subtle foregrounding devices in trials where the victims were children (rape and infanticide). In the case of rape trials (Submitted), the data consisted of 51 trials held at the *Old Bailey* between 1720 and 1749, of which 30 cases involved a plaintiff under the age of 14 and in the remaining 21 cases the plaintiff was

considered an adult. It must be noted here that the legal age of consent in that period was no more than 12 years of age. The comparison between the two age groups revealed two different referential patterns. Compared to adults, children under the age of 14 were twice as frequently referred to with a lexical NP (instead of pronouns), and the difference was even more pronounced in the case of children under the age of 10. As for the lexical variation in NPs used to refer to the child victims, only *child* and *girl* were frequently used. Here, too, the choice of head noun correlated with the age of the victim. The younger the victims, the more frequently they were referred to with the non-gendered term *child* (in fact, over 90% of the time if the child was under the age of 10), whereas older victims could also be referred to with the gendered noun *girl*. Vartiainen concludes that by using *child* instead of *girl* to denote a very young victim, the speakers did so to express subtle assessments on their part – they foregrounded both the age of the victim as well as her innocence and non-sexuality.

The findings from infanticide trials point to the same direction (Vartiainen 2017). There was clear evidence of overuse of lexical NPs, i.e. lexical NPs used in places where a pronoun would have been sufficient. As the victims in these cases were very young (new-born babies), referential lexical NPs were overall very frequent, but overuse was especially pronounced in cases where the mother was found guilty as charged, which indicates that by repeating a NP such as *the child*, the speakers were expressing their sympathy to the victims.

Finally, let us consider Accessibility theory and its applicability from the point of view of my current study by focusing on the use of non-gendered terms in the trials of *Old Bailey*. Assuming that there is only one defendant at trial, he or she is prototypically identified by the witnesses as *the prisoner* which is an unambiguous initial reference in this specific context. According to the Accessibility theory, subsequent references using higher accessibility markers, the defendant's name or a third-person pronoun, will be sufficient. Sometimes, however, witnesses repeat the definite description *the prisoner*. We may assume that they do so in order to signal distance to the defendant. But what are they signalling if they choose another definite description, such as *the creature*, instead? In order to interpret these kinds of moves, we need to gain a better understanding of the variant expressions and how they stand in relation to each other.

3.3 Subjectivity

Depending on how it is defined, subjectivity can cover a wide variety of language use. In its broadest sense it could be used to denote anything a speaker utters (Benveniste 1971 [1958]) which would, in my opinion, serve very little purpose. Langacker (2008: 77) takes on a narrower view of the topic by defining subjectivity as a perspective. But this, too, is problematic because here subjectivity is construed through a perceptual asymmetry between the speaker and the hearer, i.e. subject and object.

In agreement with Vartiainen (2016), I will use *subjectivity* as defined by Traugott (2010: 32): an expression is considered to be subjective if its “prime semantic or pragmatic meaning [...] is to index speaker attitude or viewpoint.” In other words, subjectivity is used to denote meanings which can be considered, more or less, as matters of opinion. In contrast to these subjective meanings are objective meanings which, in turn, denote things that stand beyond individual assessment. For example, let us consider the following two adjectives: *wicked* and *red-haired*. A person can be claimed to be *wicked* by one speaker while another speaker may disagree completely – thus, *wicked* is a subjective adjective. On the other hand, *red-haired* denotes a physical feature and could therefore be interpreted as an objective adjective. I use the modal verb ‘could’, because adjectives that are used to describe human beings are tricky. But subjectivity applies to nouns as well so let us consider the subjectivity of, for example, *liar* and *lawyer*. The former is clearly a subjective evaluation of a person while the latter is an occupational term and therefore it is objective.

These two examples, and especially the first one, have served to highlight the aspect of subjectivity which will be made use of in the analysis section of this study. My purpose is not to categorize words into neatly separated groups, but rather to define their relative distances by identifying them on a scale between two extreme values, highly subjective vs. highly objective. This is not, however, an exact science. As we saw in the first example, the difference between *wicked* and *red-haired* seemed clear enough, but what about different (hair) colours? They, too, can be, at least to some extent, matters of opinion. The next two subsections will be devoted to discussing the ways in which subjectivity can be assessed by means of grammatical constructions.

3.3.1 Definiteness and syntax

Subjectivity is linked to the accessibility of information. The accessibility scale, which consists of referential expressions, does not include indefinite constructions. While definite NPs point to shared knowledge, indefinite NPs are inaccessible to the hearers. Instead of referring back to a previously mentioned entity, indefinite NPs introduce new information, for example subjective evaluation of the referent (Vartiainen 2016: 123). In fact, evaluations do not often occur in definite constructions (*ibid.*: 119).

Thus, definiteness can be used to assess the subjectivity of discourse information and it applies to both adjectival premodifiers as well as NPs, with or without premodification. Let us begin with adjectives. In a study of present-day English, Vartiainen (2016: 100–106) compared article distributions (*a / an* vs. *the*) between relatively subjective adjectival premodifiers (e.g. *significant, successful, interesting*) and relatively objective ones (e.g. *industrial, professional, urban*). The comparison showed that there was a positive correlation between subjective adjectives and indefinite articles, and that the proportion of indefinite marking increased when a degree modifier was included in the construction.

In the case of NPs, Vartiainen (2016: 123–150) compared article distributions between supposedly subjective nouns expressing a sense of offence (e.g. *phony, liar, moron*) and supposedly objective nouns indicating a profession (e.g. *engineer, technician, teacher*). Indefinite determiners included *a* and *an*, and definite determiners included *the*, demonstrative determiners and all possessive determiners. The results for simple and premodified NPs showed similar patterns: subjective evaluation is most often expressed by using an indefinite construction. Furthermore, an increase in subjective meaning correlates negatively with the possible range of syntactical roles such an expression can occupy. Subjective NPs occur very frequently in complement (subject or object) position and the likelihood increases with degree modification. Thus, the more subjective the evaluation is, the more overt it is likely to be.

When subjective information is found in a definite construction, the NP is likely to be post-modified so as to limit the range of possible referents. Although subjective meanings are not often expressed by using a definite construction, demonstrative determiners *this* and *that* are far more likely to occur with subjective NPs than with objective NPs. In fact, demonstrative determiners are rarely used with objective NPs.

Approached through the study of definiteness and syntax, subjectivity offers a promising framework for disentangling the meaning(s) of ambiguous words. It also has potential as a ‘semantic disambiguation tool’ (Vartiainen 2016: 113–119), i.e. as a means of distinguishing between different, subjective and objective, senses of a word.

3.3.2 Semantic change

Words evolve and acquire new meanings over time. *The Oxford English Dictionary* (OED, see also Appendix B) tells us that, for example, *creature* entered the English language as a loan word from French during the 11th century and was originally used to denote any created thing or being. From the turn of the 13th century onwards, it began to be used together with a modifying word to indicate a certain type of person, especially to express admiration, affection, compassion or commiseration, and by the 16th century it had acquired yet another meaning, that of a reprehensible or despicable person. This example highlights the tendency in semantic change which is known as subjectification: the meanings of words tend to change from objective ones to subjective ones (cf. Traugott 2010).

Vartiainen (2016: 113–118) has studied the relationship between the subjectification of a relatively objective word and changes in its use in terms of distributions of articles. The hypothesis was that if a word was acquiring a more subjective meaning, an increase of indefinite marking could be used as evidence of this development. Two case studies were conducted (*outstanding* and *key*) and the results of both confirmed the original hypothesis. For example, in the case of *key*, the word has been used increasingly more frequently in indefinite constructions since the 1970s which indicates a development from an objective, explanatory sense (i.e. an object used to open and close locks) towards a new, more subjective meaning (i.e. something of importance).

4 Materials and methods

4.1 Materials

4.1.1 *Old Bailey Corpus 2.0* and the *Proceedings*

The data for this study is drawn from two sources: *Old Bailey Corpus 2.0* (OBC) and *Proceedings of the Old Bailey* (also known as the *Session Papers*, originally *News from Newgate*) – a collection of accounts of criminal trials held at the Old Bailey, London’s central criminal court (March 2015). The OBC is based on the *Proceedings*, which are also available online³. The website contains transcripts of the *Proceedings* as well as images of the original pages. The *Old Bailey Corpus* is also available online and can be accessed through the CQPweb hosted by the CLARIN-D Service Centre of Saarland University (registration is required). In addition to the online user interface, the corpus data is also available in XML format.

The *Old Bailey Corpus 2.0* consists of a selection of speech-events derived from the *Proceedings* covering nearly 200 years – from 1720 to 1913. Consisting of 637 *Proceedings*, the *Old Bailey Corpus 2.0* contains a total of 24.4 million words – some ten million words more than an earlier version of the corpus (compiled by Robert Shoemaker and Tim Hitchcock, and hosted by the University of Giessen) – which makes it one of the largest diachronic collections of spoken English. The *Old Bailey Corpus 2.0* has been tagged using the CLAWS7 tag set. Each speech event has also been annotated, as far as it is possible to do so, for sociobiographic speaker information (gender, age, occupation, social class), pragmatic information (speaker’s role: defendant, judge, victim, witness, lawyer, interpreter), and textual information (scribe, printer, publisher). Thus, the *Old Bailey Corpus 2.0* is a prominent resource for a variety of historical sociolinguistic research. Due to the vastness of its size, it also enables the study of low-frequency features in the context of the Late Modern English courtroom (Huber 2007).

³ The *Proceeding of the Old Bailey* website contains both trial accounts (*Proceedings*) as well as so-called *Ordinary of Newgate’s Accounts*. The latter are biographies of executed prisoners written by the Ordinary of Newgate, i.e. the chaplain of Newgate prison. These sister publications are not included in this study.

4.1.2 The *Proceedings* as historical documents

Although the *Old Baily Corpus 2.0* is a very extensive collection, what one finds, or rather does *not* find, may come as a surprise. For a better understanding of the available data, we must take one step back and consider its foundations, the *Proceedings* and their function in society.

The *Proceedings* were published more or less regularly for 239 years – from 1674 to 1913 – for each session, i.e. assembly of the court, of the Old Bailey (before 1834 the court met eight times a year and from there on ten to twelve times a year). The *Proceedings* consist of some 2,163 volumes containing accounts of nearly 200,000 trials and some 134 million words. The *Proceedings* were originally taken down in shorthand by scribes in the courtroom, which arguably gives us a rare opportunity of studying records of Late Modern English as it represented itself in the courtroom.

But regardless of the abundance of material, the *Proceedings* are not complete accounts of what went on and what was said in the courtroom (Langbein 2005: 5). Especially in the early years (before 1729 and to some extent until as late as 1778) the *Proceedings* were so-called “squib reports” (Langbein 2005: 185), i.e. compressed summaries of cases described by just a couple of sentences. Needless to say, no representations of the spoken word can be found in these earliest reports. Contrary to modern trial transcriptions, the *Proceedings* were not originally records made for the purposes and needs of the court but rather to satisfy the curiosity of a popular audience (Langbein 2005: 182).

The *Proceedings* were licenced by the City of London and licences had to be renewed annually, but other than this, the City hardly ever intervened in their publication (Shoemaker 2008: 563–4). They were first and foremost a commercial enterprise aimed at middle- and upper-class readers. The *Proceedings* were printed and sold as pamphlets and as such, they were subject to the sensation-seeking properties of the genre. An example of the latter is the distinguishable moralizing tone present in the earlier records (Langbein 2005: 24). Especially in those early years, scribes had considerable authority over what they saw fit to take down, but in the end, publishers were the ones to decide what would be printed (Shoemaker 2008: 563–6). The *Proceedings* were a business venture which sought to provide entertainment

which, in turn, meant that the *Proceedings* varied in how they portrayed different types of crime – while more serious crimes, for example murders and violent robberies, were covered in more detail than other, less interesting cases, such as petty theft, were heavily summarized (Beattie 2002: 24; Shoemaker 2008: 567).

So, due to constraints of space and time, only a fraction of the actual sessions could be published (Shoemaker 2008: 566). There was also concern to justify the outcomes of trials and to give the impression that the courts worked efficiently in solving the problem of criminality (Shoemaker 2008: 573). The first to go was everything deemed as repetitive or of minor significance, such as similar witness testimonies, lawyers' speeches or judges' summaries at the end of the trial (Shoemaker 2008: 566, 571–2). Trials ending in acquittal were reported on more briefly than those ending in conviction, which intended to stress the fact that criminals would be held responsible for their actions (Shoemaker 2008: 567). The *Proceedings* also tended to emphasize the prosecution's side at the expense of that of the defence. Defendants did not often have much to say in their defence and even when they did, much of what was said, was heavily summarized, or omitted altogether. The whole point of this was to add more weight to the prosecution as well as the resulting conviction, especially when the defendant had showed defiance or contempt to the court (Shoemaker 2008: 569).

As the eighteenth century wore on, the *Proceedings* responded to their readers' needs of wanting to know more about what was said during the trial by producing more detailed accounts. Omissions had not gone unnoticed by the City officials either, and in 1778 it was commissioned to make sure that the *Proceedings* “contain a true, fair, and perfect narrative of the whole evidence upon the trial of every prisoner, whether he or she shall be convicted or acquitted” (Shoemaker 2008: 561). The publishers responded by producing considerably longer reports, but even as they reached their peak in the 1780s, they were far from full transcripts (Langbein 2005: 182; Shoemaker 2008, 566). They would also never become formal trial reports (Beattie 2002: 24).

Another important issue to keep in mind is what Langbein (2005: 181) calls “urban slant”. The types of crimes tried at the Old Bailey, and thus represented in the *Proceedings*, were different from those of the provincial courts. Since its original jurisdiction was London and Middlesex (Huber 2007), the Old Bailey crime distribution is skewed towards crimes typical of a growing urban area. There are for example 13,655 cases of pickpocketing but only 4,230 related to stealing of animals.

4.1.3 Linguistic reliability of the *Proceedings*

As we have seen in the previous discussion, even the most detailed written records should not be taken at face value. There are various factors, contextual and others, which we must, one by one, take into consideration when dealing with texts representing speech. There are issues such as distance in time as well as lack of background information, but at the core lies the question of “faithfulness to an original”, i.e. what accounts as an original, or how reliable a written record is as representation of spoken interaction (Kytö & Walker 2003: 222–224). This is, as Kytö & Walker point out, a complex issue.

A written record will always be secondary to the original spoken interaction (Kytö & Walker 2003: 230; Huber 2007), but that is not to say that verbatim records are unreliable as such (Kytö & Walker 2003: 224–225). It is always at least possible that the written record is faithful to the spoken word. Also, on a general level, verbatim records are considered to render vocabulary and grammatical structures close, if not exactly, to the original. Fortunately, there are ways of assessing reliability and faithfulness as the documents themselves may sometimes testify for their reliability, for example by stating that what they represent is “a true relation”. According to Kytö and Walker, such statements could be considered nothing but hot air but it seems unlikely. As we saw in connection to the *Proceedings*, producing “*a true, fair, and perfect narrative*” was not an attempt to attract more buyers, but a serious attempt to stay true to the original.

The *Proceedings* are a good example of direct transcripts (i.e. taken down by scribes present at the trials) which, according to Schneider (2002: 72–74), are the most reliable types of written records of speech given that they have retained features of the vernacular. The *Proceeding* do indeed contain such evidence, for example in a case from 1725 where the speech of an Irish defendant was reported “phonetically” (Shoemaker 2008: 564). This was, however, meant more as comic relief than accuracy of transcription. It might have appealed to the readers but the City authorities were not amused and therefore censured the publisher for the “lewd and indecent manner” of reporting the trial. In other cases, the distinction is not as clear and so in order for us to be able to ‘listen’ to a speech event spoken some 300 years ago, we must proceed with what Schneider (2002: 97) calls the “Principle of Filter Removal”. As we have established, written records of speech are more or less altered versions of the original

speech event (Schneider 2002: 96–7). What we see is a filtered reality, so identifying what happened and who made the alterations between the time when the speech event took place and when it was rendered as writing, is of consequence.

Another term for the filter effect is interference. It could come into play at various phases and due to various different reasons (Kytö & Walker 2003: 228), for example due to modifications or even errors made by the scribe or printer, or both. Interference is a serious issue as it diminishes the reliability of the data. It raises the question of whose words exactly we are ‘hearing’. The problem is present especially in the earlier pamphlets where verbatim passages are heavily summarized by the scribe (or printer). Luckily, the situation quickly improves. Huber (2007) has found that from the 1730s onward, spoken language constitutes nearly 85% of the *Proceedings* making them a versatile source for the study of the spoken word of two centuries covered in the data.

There is, however, yet another potential source of bias to be considered: the gender distribution represented in the material. As we are dealing with the context of a historical courtroom, it should not come as a surprise that from this viewpoint the data is heavily skewed. The justice system with its judges, prosecutors and lawyers consisted predominantly of men (Huber 2007). Women would have been present only as witnesses, victims or defendants. According to Huber (2007) some 72.6% of the defendants at the Old Bailey were men, which is somewhat less than on the general level (85%, see discussion in 2.2.4). We should also not forget that in certain offences (e.g. witchcraft and infanticide) the tables were turned and women outnumbered men. There is, however, a quite remarkable exception to the general gender distribution in the trials of the Old Bailey in the early eighteenth century: the defendants in over half of all property crime trials were women (Shoemaker 2004: 14). Nevertheless, the two genders are far from balanced in the *Proceedings* which is something of a concern and must, therefore, be kept in mind. Also, the vast size of the data helps to bridge the divide. As Huber concludes, women may be under-represented in terms of percentages in the *Proceedings*, but there are still thousands of female speakers for each decade.

As we have seen above, the *Proceedings* are historically reliable, but that does not automatically mean that they are linguistically reliable as well, and vice versa: omissions and errors are not direct indications of linguistic unreliability (Huber 2007). Thus, historical and linguistic reliability are to some degree independent issues and both must be addressed individually from their unique perspectives.

Huber (2007) has studied the linguistic reliability of the *Old Bailey Corpus* (version 1.0) extensively, and I will highlight the key findings in the following chapters. To begin with, there are the non-standard morphological and morpho-syntactic features briefly mentioned above in connection with the speech of the Irish defendant. Comic renderings were not the sole reason for the representation of non-standard speech. There are various examples of the non-standard speech patterns of Irishmen and other foreigners, and they can also be found embedded in standard use of language. Huber finds that in these contexts, the non-standard features appear credible.

Another way of establishing linguistic reliability is to compare the material with alternative sources of the same event. Huber (2007) has done so for one trial, that of John Ayliffe in 1759 which is also reported in *The tryal at large of John Ayliffe*. This step-by-step comparison revealed several differences between the two accounts. Although the accounts have some overlap, they are far from identical. While the *Proceedings* sometimes omit passages or parts of the speech event, at other times it is the other way around. Some of the differences are more serious ones, for example complete paraphrasing in the *Proceedings*. The two accounts also differ in their lexicon (e.g. *positively* vs *particularly*) as well as morphological and syntactical details (e.g. *can't* vs *cannot*). Huber concludes that the differences are due to trials having been taken down by different scribes. Although this does not necessarily reduce the value of the *Proceedings* as a source for linguistic study, it should be kept in mind as a possible limitation.

Finally, Huber (2007) tested the reliability issue by analysing the use of negative contraction. He found the distributions of contracted and uncontracted negative auxiliaries to be significantly different: contraction was found in just 6.4% of speech passages and 0.1% of prose passages. Contractions appear to be rather rare, at least compared to twentieth-century speech represented in the *British National Corpus* where the contraction rate is as high as 72.4%. But because the contraction rate for speech is higher than for prose, where it is next to non-existent, it serves as evidence of the fact that scribes differentiated between these registers. A further comparison was made with contemporary data, i.e. the *Corpus of English Dialogues 1560–1760*, which revealed similar results. Based on this information, Huber concludes that the *Old Bailey Corpus* does reflect characteristics of spoken language. His overall conclusion of the reliability of the *Old Bailey Corpus* as a source for linguistic studies

is that although there are issues concerning balance and interference, the speech events it represents are as close as we can get to the spoken words of that period.

4.2 Methods

The data for both the quantitative and qualitative parts of this study has been collected from two sources: the *Old Bailey Corpus 2.0* (OBC) and *Proceedings of the Old Bailey* (March 2015). The purpose of this section is to describe how the data for this study has been collected from the former and how it has been supplemented with additional metadata from the latter. At the end of this section, I will also include a brief discussion of information that was not available for this study as well as comment on what I hope to achieve by selecting this kind of data and method. As this study consists of two parts – a corpus-based quantitative investigation of the subjectivity of a selection of non-gendered terms and a detailed qualitative analysis of two non-gendered terms in particular, i.e. *creature* and *person* – which call for very different methods, I will describe them both separately.

4.2.1 Quantitative study

Corpus queries based on POS-tags offer easy access to a vast amount of data. The purpose of my corpus-based study is not only to gain an overview of non-gendered terms that are likely to have been used for referring to and characterizing the defendant but to gain insight of their relative subjectivity. My main objective for this is to find support for my claim that instead of analysing terms categorically as either positive or negative, it is more fruitful and informative to consider them on a continuous scale between objective and subjective use, i.e. measured by the definiteness of the clause.

First, I compiled a list of all non-gendered nouns in the *Old Bailey Corpus 2.0* (OBC). This was done by conducting a search for all singular common nouns (NN1), so as to include only nouns with possible human reference. A broader search would have been problematic in this respect, especially in the case of *criminal*. This term occurs very frequently in XML headers as part of the phrase ‘*Central Criminal Court*’. I then browsed through the query results and shortlisted the non-gendered terms. Since

the original results were in alphabetical order, it was also possible to check the terms for orthographic variation – surprisingly, there was none. Once the new list consisting of non-gendered terms was complete, I ordered it by frequency and selected a short list of 20 words which could or are likely have been used for referring to the defendant. These words were chosen based on four different criteria as follows:

- A. words related to criminal activity and questionable or suspicious character:
blackguard, criminal, foreigner, offender, rascal, rogue, scoundrel, stranger, thief, villain
- B. words related to the defendant's role in the courtroom: *defendant, prisoner*
- C. words describing the speaker's relationship to the defendant: *acquaintance, friend, neighbour*
- D. words denoting a human being in general, with or without reference to their age: *child, creature, individual, person, youth*

For each of these terms, I then conducted a series of corpus queries: frequencies (per 1,000,000 words) in simple and premodified NPs (with and without intensification) in both definite and indefinite constructions. The indefinite articles included in this study are *a* and *an*. The definite articles included in this study are *the, this, that, my, your, his, her, its, our* and *their*. I also compiled a list of the premodifying adjectives used in connection to each term (see Appendix A).

4.2.2 Qualitative study

The qualitative part of my analysis consists of two case studies in which I take a closer look at two non-gendered terms. *Creature* is an interesting term not only in terms of the gender issue (found mostly with female reference) but also due to its different senses. *The Oxford English Dictionary* (OED) lists several senses of the term (see Appendix B) which it had acquired by the time of the Old Bailey trials and could therefore help cast light on the kind of 'creature' implied (discussed in more detail in section 5.2). The second case study is concerned with the non-gendered term *person*. Similar to *creature*, it also had many different senses (see Appendix C) and, more interestingly, it is the term used to define *creature*.

In both cases, the data consists of speech events spoken by witnesses. There are various motivations for focusing solely on this specific group of speakers. Witnesses are the most frequently encountered speakers in the courtroom. In addition to representing the views of both sides of the case (prosecution and defence), they are also likely to be more balanced in terms of gender and social class than the other speakers. Court officials, such as the judge and lawyers, were primarily higher class males, and utterances by them are scarce. On the other hand, the likelihood of defendants evaluating themselves, at least in a subtle way, is highly unlikely.

I also restricted my search to singular common nouns for the ease of identifying the referent (i.e. denoted individual, referentially or otherwise). Plural forms may refer to men and women at the same time, which would not be very informative in terms of this gender-oriented study seeking to find differences (or similarities) between male and female referents. All corpus query results can be downloaded and, as mentioned above, it is possible to select from a number of trial and speaker specific metadata to accompany these results. Corpus metadata for this current study included variables such as the trial ID, year of the trial, as well as the role, sex and social class of the speaker.

The corpus metadata was not, however, sufficient for the needs of my current study, and had to be complemented with additional metadata. The following variables were collected manually from the *Proceedings of the Old Bailey* (March 2015): main offence category (as recorded in the *Proceedings*), offence subcategory (as recorded in the *Proceedings*), gender of the referent (male / female / undefined), role of the referent (defendant / victim / witness / other), type of NP (definite / indefinite), type of modification (subjective / objective / none), and syntactic function of the NP.

Apart from the first two which are stated in the *Proceedings*, the values for each new variable had to be identified from the context by using a method of close reading of the trial reports. Qualitative analysis involves, as we know, a great deal more manual labour and, thus, a smaller amount of data. *Creature* is an appropriate option as such due to its relatively low frequency. The *Old Bailey Corpus 2.0* (OBC) contains a total of 273 instances of *creature*, 115 of which are spoken by a witness.

On the other hand, *person* is a high frequency term with a total of 15,803 utterances, 8,452 of which were spoken by witnesses. Needless to say that it was impossible include all of them in this study. So, due to the amount of utterances, and in order to compare the results to those of *creature*, I collected a small sample based

on the findings of *creature*. As will be discussed in section 5.2.1, *creature* was most frequently used in the earliest decades: the 1730s and 1740s. Thus, my sample of *person* was collected from these two decades. The total amount of observations of *person* during these decades is 479, which was still too much for this study, so I selected the following complete years from the beginning, middle and end of this time period (false positives removed):

Table 1: Years and number of trials included in the sample for person

	Years	Number of trials included
Beginning of period	1730- 1734	37
Middle of period	1740-1741	40
End of period	1747	30
Total		107

Unfortunately, the final datasets do not contain variables that would allow for a more detailed analysis of the discourse structure. In order to apply the accessibility hierarchy successfully, one should look beyond individual utterances or witness testimonies and chart the actual information structure of the discourse. Instead, I will have to rely on my own experience of the original data.

Once all the data had been collected, it was visualized, analysed and statistically tested. The following section is devoted to presenting the results, including a variety of examples from the actual proceedings.

5 Analysis

In this section, I present and analyse my findings. It consists of two parts. In the first part, I provide an overview of the definiteness of the selected non-gendered terms that could or are likely to refer to the defendants. The remainder and main part of this section is devoted to two case studies involving the non-gendered terms *creature* and *person*. Examples of the original utterances will be given throughout this section. Emphases (bold font and / or italics) has been added for the purposes of drawing attention to specific parts of the examples.

5.1 Quantitative study of definiteness

The data for this part was collected as described in section 4.2.1, and it consists of non-gendered terms with possible and / or likely reference to the defendants.⁴ There are two main motivations for doing so. The first is to prove my hypothesis that, in the context of historical courtroom discourse, *prisoner* and *defendant* should not be approached as negative terms, but as merely unambiguous and neutral terms of reference, i.e. as default terms. The second motivation is to gain insight of the relative subjectivity of these terms. This will provide the first step in understanding what kind of a move the speaker is making when s/he deviates from the default option.

Note that in addition to containing only singular proper nouns (NN1), the results include both utterances by all speakers as well as descriptive parts of the *Proceedings*. It also worth keeping in mind that all results presented in this section should be treated as rough averages as they represent the sum of some 200 years and their use could have changed considerably over time.

Tables 2 and 3 below show the distribution of definite and indefinite constructions for simple and premodified NPs, respectively. As for simple NPs in Table 2, there is clear contrast between the highest and lower quarters. While terms denoting criminal activity and questionable character (group A) as well as relationship terms (group C) dominate the most indefinite end of the scale, general human references (group D) and especially courtroom roles (group B) dominate the least indefinite end of the scale. Of course, there are far more words in group A than in any of the other groups, but the pattern is clear nonetheless.

⁴ No spelling variation was found for any of the terms investigated in this study.

Table 2: Definiteness of simple NPs

	Definite		Indefinite	
	f/1,000,000	%	f/1,000,000	%
<i>stranger</i> (A)	2.00	6.31	29.72	93.69
<i>foreigner</i> (A)	0.59	10.35	5.11	89.65
<i>neighbour</i> (C)	7.05	22.76	23.93	77.24
<i>criminal</i> (A)	0.28	29.17	0.68	70.83
<i>scoundrel</i> (A)	0.42	30.43	0.96	69.57
<i>blackguard</i> (A)	0.31	31.31	0.68	68.69
<i>rogue</i> (A)	3.05	40.18	4.54	59.82
<i>rascal</i> (A)	0.96	41.03	1.38	58.97
<i>friend</i> (C)	48.14	41.24	68.60	58.76
<i>villain</i> (A)	1.98	43.23	2.60	56.77
<i>acquaintance</i> (C)	11.34	44.12	14.36	55.88
<i>thief</i> (A)	11.91	44.94	14.59	55.06
<i>creature</i> (D)	1.55	58.49	1.10	41.51
<i>person</i> (D)	379.97	67.38	183.93	32.62
<i>offender</i> (A)	0.34	70.83	0.14	29.17
<i>child</i> (D)	208.82	78.20	58.22	21.80
<i>individual</i> (D)	0.54	79.41	0.14	20.59
<i>youth</i> (D)	4.88	83.13	0.99	16.87
<i>prisoner</i> (B)	5,190.37	99.74	13.46	0.26
<i>defendant</i> (B)	69.45	99.76	0.17	0.24

Once premodification (including any combination of one or more adjectives, see also Appendix A) is introduced into the equation, the results change. Table 3 below shows the distribution of definite and indefinite constructions for premodified NPs, as well as how much indefiniteness has changed compared to simple NPs (Table 2 above).

Table 3: Definiteness of premodified NPs

	Definite		Indefinite		change
	f/1,000,000	%	f/1,000,000	%	%
<i>blackguard</i> (A)	0.00	0.00	0.11	100.00	+3.31
<i>stranger</i> (A)	0.06	1.13	5.25	98.87	+5.18
<i>criminal</i> (A)	0.03	3.13	0.93	96.88	+26.05
<i>individual</i> (D)	0.06	6.82	0.82	93.18	+72.59
<i>acquaintance</i> (C)	0.51	14.83	2.93	85.17	+29.29
<i>thief</i> (A)	0.45	16.13	2.34	83.87	+28.81
<i>foreigner</i> (A)	0.03	17.65	0.14	82.35	-7.30
<i>rascal</i> (A)	0.11	19.64	0.45	80.36	+21.39
<i>offender</i> (A)	0.23	23.23	0.76	76.77	+47.60
<i>rogue</i> (A)	0.56	27.18	1.50	72.82	+13.00
<i>scoundrel</i> (A)	0.08	32.00	0.17	68.00	-1.57
<i>neighbour</i> (C)	0.71	32.57	1.47	67.43	-9.81
<i>creature</i> (D)	1.24	38.51	1.98	61.49	+19.98
<i>villain</i> (A)	0.25	42.37	0.34	57.63	+0.86
<i>youth</i> (D)	0.23	42.59	0.31	57.41	+40.54
<i>child</i> (D)	9.26	45.68	11.01	54.32	+32.53
<i>friend</i> (C)	4.54	46.23	5.28	53.77	-4.99
<i>person</i> (D)	19.78	52.19	18.12	47.81	+15.19
<i>prisoner</i> (B)	59.85	98.97	0.62	1.03	+0.77
<i>defendant</i> (B)	0.96	100.00	0.00	0.00	+0.24

The majority of terms now belong to either the highest or lowest quarters, with an increase in the former and a decrease in the latter. Not only has the ranking changed, but the percentage of indefiniteness has also increased for nearly all the words, and some of the increases are quite significant, for example *individual* (increase of 72.59 percentage points) and *offender* (increase of 47.60 percentage points). The only terms in the lowest quarter are those denoting the defendant's role in the courtroom: *prisoner*, *defendant*. So, premodification has increased the objectivity of *prisoner* and *defendant*, which is easily explained by the use of objective premodifiers, for example

the other / female / male prisoner. Thus, the courtroom roles are not used for communicating subtle evaluations of the defendants, but rather for identification purposes.

The proportion of indefiniteness for most non-gendered terms increases even further when the construction includes a degree modifier such as *very*, as shown in Table 4 below.

Table 4: Proportion of indefiniteness of premodified NPs with a degree modifier

	Indefinite %	change %		Indefinite %	change %
<i>criminal</i> (A)	100.00	+3.12	<i>neighbour</i> (C)	100.00	+32.57
<i>acquaintance</i> (C)	100.00	+14.83	<i>creature</i> (D)	100.00	+38.51
<i>thief</i> (A)	100.00	+16.13	<i>villain</i> (A)	100.00	+42.37
<i>foreigner</i> (A)	100.00	+17.65	<i>youth</i> (D)	100.00	+42.59
<i>rascal</i> (A)	100.00	+19.64	<i>child</i> (D)	100.00	+45.68
<i>offender</i> (A)	100.00	+23.23	<i>person</i> (D)	96.51	+52.19
<i>rogue</i> (A)	100.00	+27.18	<i>friend</i> (C)	90.77	+46.23

Interestingly, many terms with very high proportions of indefiniteness in premodified NPs (Table 3) do not occur at all with degree modifiers, for example *blackguard*, *stranger*, *individual* and *scoundrel*. The same holds for the courtroom roles *prisoner* and *defendant*. Based on these results, it is highly likely that the terms listed above in Table 4 carry subjective information.

To sum up the results thus far, it is clear beyond doubt that evaluations concerning criminals, criminal activity and questionable character involve subjective terms. The opposite is true for references to the defendants by means of their role in the courtroom (*prisoner*, *defendant*) which are highly objective terms, with or without premodification, and thus are not used for subtle evaluation. In the case of premodified NPs, *defendant* and *prisoner* stand out from the other terms in two ways. Firstly, their occurrence in definite NPs greatly exceeds the other terms – for example, the difference between *prisoner* and *person* is 46.87 percentage points. Secondly, while the other terms are premodified by a number of subjective adjectives (e.g. *wicked*, *vile*, *poor*) and objective adjectives (e.g. *other*, *old*, *young*, *said*), *defendant* and *prisoner*

are premodified mainly by objective adjectives identifying a particular defendant (see Appendix A for premodifiers).

The main conclusion from these findings is that not only are *defendant* and *prisoner* the default terms for denoting the defendants in the courtroom, but they are also the most neutral way of referring to these particular individuals – male or female, i.e. by referring to them by their role in the courtroom. For this reason, they should be considered as neutral references indicating a particular role in the courtroom. They also serve as a starting point for the more detailed analysis of other non-gendered terms such as *creature* and *person*, which will be analysed in the following case studies of each term.

5.2 Case study 1: *Creature*

In this section, I investigate the use and features of the non-gendered term *creature* from various points-of-view. After an introductory walkthrough of the dataset, I zoom in on the referential uses of *creature*, as well as provide a detailed account of all the referents and how the use of *creature* varies according to the referent's gender and role. Next, I investigate its definiteness over time and try to find evidence of semantic change. In the final part of this analysis, I add one more variable, the main offence category, into the equation and conduct a multiple correspondence analysis in order to find out what kind of an impact (if any) the severity of the offence has on the speakers' linguistic choices.

5.2.1 Overview of the dataset

As was mentioned in section 4.2.2, the *Old Bailey Corpus 2.0* (OBC) contains 273 instances of *creature*. Nearly all (250) are utterances⁵ and 115 of them were spoken by witnesses in the courtroom. After removing false positives, the final dataset consists of 112 observations. Nevertheless, considering that these results cover a time period

⁵ The rest (n = 23) are in descriptive passages.

of nearly 200 years, it is obvious that *creature* is not a very common term, at least not in this particular context. Figure 2 below shows the frequency of *creature* in this current dataset.

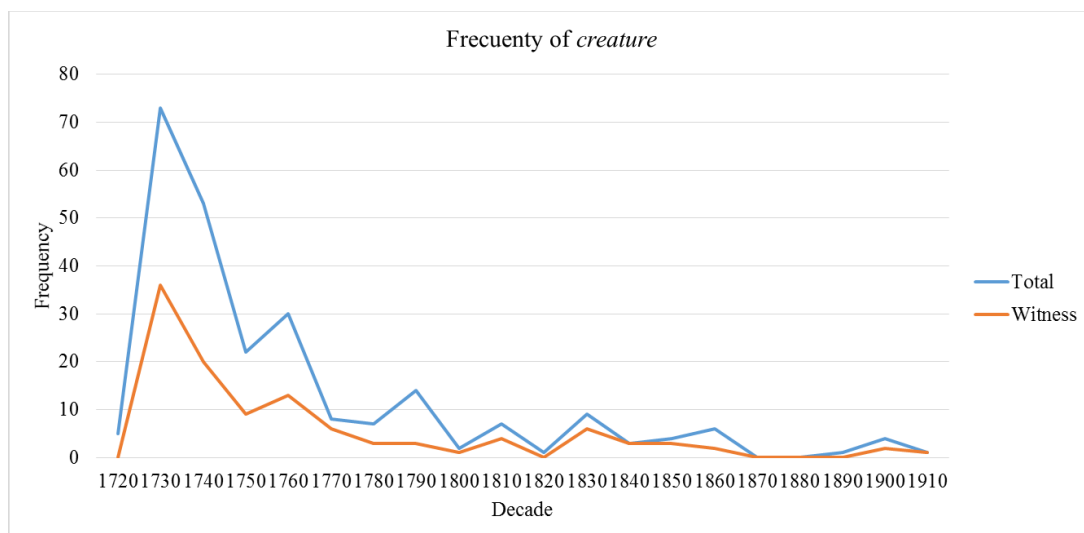


Figure 2: Frequency of *creature*, utterances (n=250)

Not only is *creature* a low-frequency word, but it starts to fall out of use rapidly around mid-eighteenth century. The modest increase in the early nineteenth century will be discussed and explained later in the following section when we take a closer look at the gender of the referents. Before discussing the referents in more detail, let us take a closer look at the speakers.

As can be seen in Table 5 below, the social class for the majority of speakers remains unknown, and the proportion of female speakers is somewhat higher than of male speakers. On the other hand, in those cases in which it has been possible to identify the speaker's social class (higher / lower), the speakers are balanced in terms of gender.

Table 5: Gender and social class of speakers (*creature*)

Gender of speaker	Social class of speaker							
	Higher		Lower		Undefined		Total	
	freq.	%	freq.	%	freq.	%	freq.	%
Male	11	50.00	10	52.63	29	40.85	50	44.64
Female	11	50.00	9	47.37	42	59.15	62	55.36
Total	22	100.00	19	100.00	71	100.00	112	100.00

We shall return to the speakers in 5.2.5, where they play a part in the multiple correspondence analysis. Before doing so, let us take a closer look at the referential uses of *creature*.

5.2.2 Referential *creature*

Compared to *defendant* and *prisoner*, which occur nearly completely in definite NPs (see Table 3 above), the term *creature* is a more ambiguous term: just slightly over a half (58.49%) of simple NPs in the corpus occur in definite constructions. When premodification is taken into account, definiteness drops as low as 38.51%, indicating that *creature* is more often used for overt evaluations to provide new information of the discourse referent. In my dataset which consists of utterances spoken by witnesses, *creature* is used referentially to denote defendants only occasionally – there are only 12 such referential NPs. Although there are not many instances, these are interesting from a gender viewpoint: the referents are always female defendants.

The referential NPs denoting the defendant fall into two equally-sized categories: first mentions and overuse of lexical NPs. First mentions are quite self-explanatory; they are instances where the referent is mentioned for the first time by the speaker, but instead of using what I believe to be the default option, i.e. *the defendant / prisoner*, the speaker adds meaning to the referent by using the less objective NP *the creature*. The following example is from a pickpocket trial with two female defendants, Harding and Bowling. Here, the watchman Francis Hunt has been describing the circumstances and has referred to both defendants as *The two Prisoners* – *they / them*. When it becomes necessary to refer to them individually, he makes an interesting move:

- (1) *But the Prosecutor being positive to that, we carried **them** to the Watch-House, and by the Contable's order, I searched **the Creature** (Harding) as far as Modesty would let me (for I am a little modest) and then I searched **Bowling**.* (t17400522-7)

Hunt admits to having felt uncomfortable for having had to search Harding and makes a subjective move by naming her as *the creature*, while Bowling is named by

her surname, which is appropriate choice in this context and at this point in the discourse.

Overuse occurs when the defendant is already active in the discourse and a simple personal pronoun would be sufficient, but the speaker chooses a lower accessibility marker (*the creature*) instead, thereby foregrounding the defendant and adding a subjective layer to the expression. In the fraud trial against Ann Inott, witness Anne Hodgkins is clearly speaking on behalf of the defence. Hodgkins initially identified Inott as *the Prisoner* and thereafter simply referred to her as *she*. Then, when questioned whether she had acted wickedly in writing out a marriage licence for a marriage which was not found in the records, Hodgkins becomes emotional and refers to Inott with *creature* instead of a personal pronoun.

- (2) *Ah, my Lord! If you had only but heard how **she** beg'd and pray'd, I am sure you would have had some Compassion for **the poor Creature**.* (t17330510-24)

In the trial of Daniel Miller and Mary Bell (indicted for stealing a Silver Pint Mug), the witness Eleanor Hoskins first identifies them according to their gender (*the Man / the Woman*) and then switches to personal pronouns. Then, similar to the previous example, Hoskins replaces the personal pronoun with *the creature*.

- (3) *Please you, my Lord, I know nothing of the Man; I never see him with my Eyes before this time. **The Woman** I have seen; **she** came to my House: I keep a Publick House. **She** ask'd me if I would buy a Silver Pint Mug; I told **her**, I never dealt in Silver, nor never intended it. **The Creature** (so I may call her) **she** wanted to bring me into a Premunire [...]* (t17460409-16)

Unlike the previous examples, Hoskins does not appear to show any kind of emotional aspect in her description of the events. In fact, what is remarkable in this example is that Hoskins comments on her own choice of term by saying '*so I may call her*'. By doing so, Hoskins makes a covert evaluation the referent – as well as implies of a specialized meaning of the term. In order to find out what meaning(s) the examples above carry, we must begin by broadening our scope and searching for clues in the ways in which *creature* is used in connection to different referent groups.

5.2.3 The referents

The purpose of this section is to identify who the referents of *creature* are – their role and gender. There are two principal gender categories (Female and Male) as well as an additional category (Undefined) for which an explanation will be given in due course. The referents of *creature*, shown in Figure 3 below, represent three different courtroom roles: Defendant, Victim and Witness, as well as the additional category Other which is used to mark referents who do not in any way take part in the trial proceedings (see Appendix D for exact frequencies).

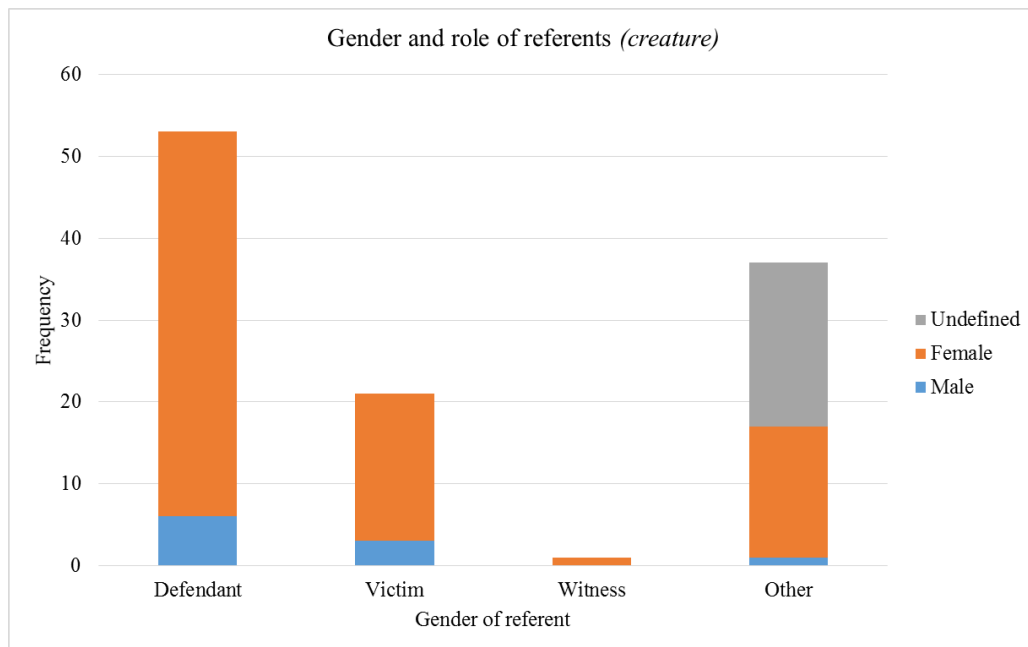


Figure 3: Gender and role of referents (*creature*)

Nearly half ($n=53$) of all referents are defendants, close to one fifth ($n=21$) are victims and one speaker even refers to another witness. Approximately a third ($n=37$) make reference to other people perhaps not present in the courtroom but who are in some way involved with the situations being described. Looking at Figure 3, it also becomes immediately obvious that the referent of *creature* is most often female, although there are some male referents as well.

References to the defendants do not, however, occur throughout the entire period covered by this dataset, as shown in Figure 4 below. It has already been

established that references to male defendants are somewhat rare, but it is interesting to note that they occur within a relatively short period (1750–1790). While references to defendants mostly concern females and they occur over a longer period of time (1730–1830), the vast majority occur in the earliest decades (the 1730s and 1740s). This is interesting as this is the very same period when there was a significant peak in female defendants tried for property crime (discussed in 4.1.3). Here, two thirds of the offences with female defendants tried between 1730 and 1749 are, in fact, theft related.

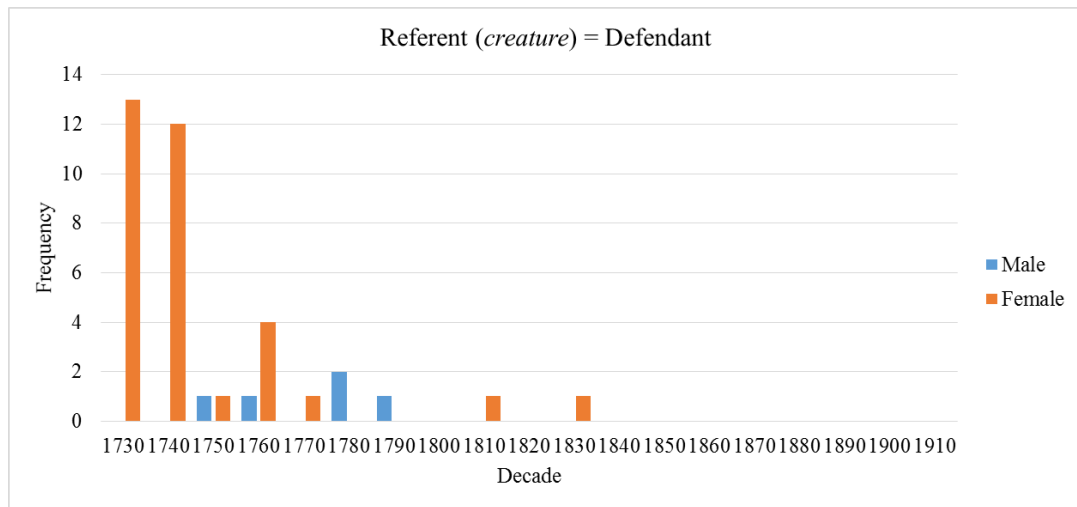


Figure 4: Gender distribution of references to defendants (*creature*)

At this point, one crucial question needs to be addressed: what is the relationship between the gender of the speaker and that of the referent? Figure 5 below shows the gender distribution of references based on the gender of the speaker (again, exact frequencies are given in Appendix D).

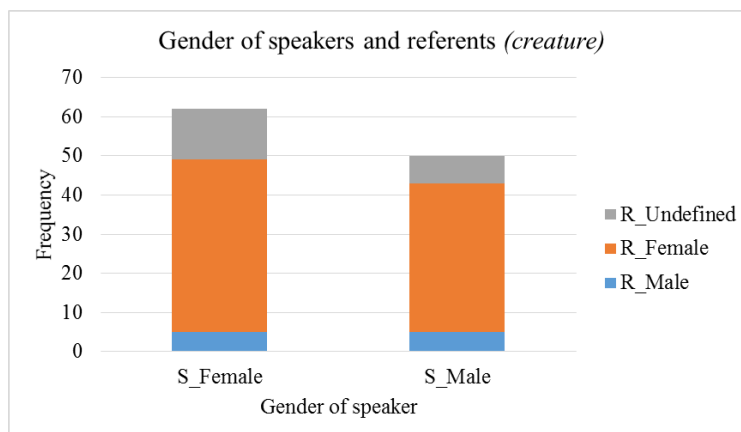


Figure 5: Gender of speakers and referents (*creature*)

As we saw in Table 5, there are slightly more female speakers. Here, we see that – disregarding the Undefined category – both male and female speakers refer to male and female referents quite similarly, and there is no difference when the referent is male. When it comes to female referents, there is some difference, but this is not statistically significant ($\chi^2 = 0.8272$, $df = 1$, $p < 0.05$) which allows us to conclude that male and female speakers do not differ in terms of the referent's gender.

Let us finally begin our investigation of the different referent groups. Table 6 below presents the distribution between definite and indefinite NPs cross-tabulated by the gender and role of the referents.

Table 6: Definiteness vs. gender and role of referent (*creature*)

Definiteness / Referent	Gender of referent			Total
	Female	Male	Undefined	
Definite	(41.46%) 34	(10.00%) 1	(0.00%) 0	(31.25%) 35
Defendant	17	0	0	17
Victim	7	1	0	8
Witness	1	0	0	1
Other	9	0	0	9
Indefinite	(58.54%) 48	(90.00%) 9	(100.00%) 20	(68.75%) 77
Defendant	30	6	0	36
Victim	11	3	0	14
Witness	0	0	0	0
Other	7	0	20	27
Total	(100.00%) 82	(100.00%) 10	(100.00%) 20	(100.00%) 112

In terms of totals, there are clearly more indefinite constructions – in fact, more so than on the corpus level (cf. Table 3). From the viewpoint of definiteness, the majority of NPs are indefinite across the board, especially if the referent is male (90.00%) or the gender is undefined (100.00%). References to females are, however, distributed much more evenly between definite (41.46%) and indefinite (58.54%) NPs, and in both cases the referents are most often defendants. While the syntactic function of indefinite NPs is most often subject complement with various subjective premodifiers, for example *poor*, *young*, *drunken*, *quarrelsome*, *industrious*, *mild*, *meek*, *bad*, *laborious*, *honest* and *kind-hearted*, definite NPs occur mostly as simple NPs (sometimes modified with *poor*) in subject or object position.

Gender: Undefined

This category includes some 20 – twice as many as male referents – mentions of *creature* for which the gender of the referent could not be categorized as male or female. In only two cases was it clear that the referent was a specified human being present in the situation being described, but the context did not provide enough information to determine whether this person was male or female. One of those instances is spoken by Mary Bartlet in the theft trial against Eleanor Kelly (indicted for theft).

- (4) [...] *so he laid 8 Guineas on the Counters she took it up, and slipt one Guinea into **a Creature's** Hand behind her, and then offer'd to return him*
7. (t17340630-33)

This particular trial transcript is very brief with only two short witness accounts (and a comment by the defendant in which she comments on Bartlet's testimony calling her '*a vile Wretch*') and the said *creature* is mentioned only this one time. It seems very likely that the referent is female, but without more information, the referent's gender remains unconfirmed. As for the remaining 18 undefined cases, they turned out to be a specialized meaning of *creature* (henceforth: meaning 2b) which, according to *The Oxford English Dictionary* (OED) is comparative to 'fellow-creature': "Freq. with determiner forming combinations corresponding to pronouns based on *body* (as *anybody, everybody, nobody*, etc.)". In this current dataset, *creature* is most often used in this particular sense to denote 'anybody' or 'nobody'. Below is an example of the latter.

- (5) *When I left him, there was **not a creature** with him in the parlour; and people could only get into that parlour through the bar.* (t18150913-203)

Gender: Male

As we saw in Table 6 above, there is a total of ten male referents, six of which are defendants. All observations are from the eighteenth century (1738–1790). References to male defendants are all overt evaluations describing the referent's character, and especially honesty stands out as a common factor. The evaluations are mainly in support of the defence, for example James Colby's testimony on behalf of David Miller (indicted for rioting).

- (6) *He is **a civil honest creature** as ever the earth carried.* (t17810110-33)

Evaluations can also be used to cast doubt on the defendant, as it the case in the trial of Abraham Bristow (indicted for grand larceny). Martha Driver, the speaker, is the wife of the prosecutor and after being asked whether the defendant is her relative, she responds in a way that supports the case against the defendant.

- (7) *Yes, he is; I always thought him **a very honest creature** before this.*
(t17900224-43)

There are just three cases involving a male victim, but the observations cover a longer time period (1739–1865). Very much as was the case with the defendants, the use of *creature* depends on whether the speaker is testifying on behalf of the prosecution or the defence. In the former case, the speakers signal compassion for the referent, as in Mrs. Glover's testimony below. The example comes from the trial against Edward Burch and Matthew Martin, indicted for forging the last will and testament of the lately deceased Sir Andrew Chadwick. Mrs. Glover was close to Sir Andrew and she has just been asked about his character during his final years.

- (8) *He was **a poor creature**; he was rather an unaccountable man.*
(t17710911-64)

Mrs. Glover is referring to the fact that Sir Andrew had not been up to his full potential, as it were, for some time before his death and, as a consequence, had been in the habit of making various versions of his will and hiding them around the house.

While Mrs. Glover's evaluation is compassionate and shows commiseration towards an elderly victim, not all victims are to be pitied. A rather extreme example comes from the 1865 trial of Elizabeth Chambers, indicted for throwing '*a large quantity of oil of vitriol*' (sulphur acid) on her husband. The witness, Margaret Curtir seeks to provide justification for her actions by portraying Mr. Chambers as a violent man.

- (9) [...] *the prosecutor has been **the most cruel creature** to her that God ever created in beating and ill-using her [...]* (t18650227-313)

Finally, the one *creature* involving a person outside the courtroom is a little boy standing up for his friend who has just been caught with some stolen cheese.

- (10) [...] *and presently up steps **a little whissling Creature**, and says, Damn your Eyes, you Bitch, what's that to you where he got them, they are none of yours.* (t17320419-1)

Gender: Female

Over half (n=47) of all female referents involve defendants, covering a time period from 1733 to 1853. Compared to the male defendants, only some two thirds of female references are overt evaluations. Most of them signal compassion, commiseration and even pity for the referent. With female defendants, the compassionate use of *creature* often occurs as an appositive phrase, as in this excerpt where Mary Row, the prosecutor's wife, feels sorry for the defendant Elizabeth Smith, regardless of the fact that Smith is being accused of stealing goods from the Row household.

- (11) *The Prisoner, **poor Creature**, came to my House, and I gave her Lodging and Victuals for nothing.* (t17360610-23)

Many a time the female defendant is portrayed as a certain kind of person with a number of premodifying adjectives. Especially sobriety, honesty and willingness to work hard are valued as desirable qualities for women. For example, here is Terence Magennis testifying for Bridget Jourdan (indicted for grand larceny).

- (12) *I have known the prisoner about six years; she is **an honest, hard-labouring creature**...* (t17550515-18)

Words are also not spared when the speaker seeks to portray the female defendant in a negative light. It does not come as a surprise that these witnesses are testifying against the defendant, but it is interesting to find that the most condemning descriptions are all connected to murder trials. In the following example, Rebecca Holder responds to an inquiry of why she had not gone sooner to the Coroner to tell what she knew of the case – at the same time highlighting the importance of public opinion.

- (13) *Because I have heard, by all Accounts, she was **a wicked, vile Creature**, and I was afraid of my Life.* (t17420714-19)

Roughly a fifth (n=18) of female referents are victims. The observations concerning female victims, which run up to year 1902, are very similar to those seen above. Compassion and commiseration are shown by premodifying *creature* with the adjective *poor*, with or without other premodifiers. Again, not all witnesses show compassion for the victims. What comes across from these less than pleasant evaluations is somewhat disturbing. Although many of the female victims in this dataset are victims of domestic violence, some testimonies contain a sense of justice being served, as in the case against Thomas Morris (indicted for murder). Patrick M’Carthy, the victim’s employer, seems completely unmoved by the tell-tale marks on her face due to his impression of her character, and when cross-examined and asked to describe her temper, M’Carthy replies:

- (14) ***A turbulent violent creature**, and a great a liar.* (t17611021-32)

The only reference to a witness is, in fact, a referential expression denoting another witness present in the courtroom. In the burglary trial of Ann Rowney in 1760, Richard Stevens wishes it to be known that he is no way affiliated with the previous witness, Ann Thompson:

- (15) [...] *I know nothing of the robbery, nor ever saw **that creature** [...] in all the world to my knowledge.* (t17600521-12)

Finally, there is the category ‘Other’ which includes references to females who do not appear in any role in the courtroom. This category contains a fifth (n=16) of all female references and they are all from the eighteenth century, most of which are from the earlier decades (1730s and 1740s). In contrast to the previous cases, the way in which these other females are referred to does not vary according to whether the witness is testifying on behalf of the prosecution or the defence. Instead, the description depends on the referent’s age and social status. Commiserating descriptions are reserved for young girls and older women, both of which tend to be referred to as ‘*poor creature*’.

In contrast, there is yet one group of females who are referred to mainly in one of two ways: simple definite NP (*the creature*) or an indefinite NP with one or more subjective premodifying adjectives. These women are female ‘companions’ of questionable moral character, such as the female referent in this excerpt:

- (16) *About nine at Night, the Prosecutor came in with **an ordinary mean-drest Creature**, and drank a Pint or two of Wine with her at the Bar, and then they went up Stairs together. She went away in about half an Hour [...]*
(t17350116-27)

Finally, there is one instance where the referent is both morally questionable and an older woman. It appears, at least in this one case, that age is the more determining factor. The *creature* in question has previously been described as a ‘*loose Woman*’, but because of her advanced age, she is pitied rather than despised.

- (17) *No, an old Woman, **a poor Creature**, and vastly deplorable; she had not six-pennyworth of Cloaths upon her Body. – I am sure she is a great deal above fifty.* (t17430413-32)

As can be seen in the examples above (see also Appendix A), *creature* is most often premodified with one or more subjective adjective. While the only objective adjective found in conjunction with *creature* are *fellow*, *young*, *living* and *other*, the

word is premodified with a total of 46 different subjective adjectives. More interestingly, roughly two thirds ($n = 28$) of these subjective premodifiers do not occur with any of the other terms listed in Table 2. Yet, it is my impression that there is more to the meaning of *creature*, something which is easily clouded by subjective premodification in overt evaluations. The term appears to imply a specific, subjective meaning which does not quite fit any of the recorded definitions (OED, see Appendix B). That is, all instances in my data, apart from the so-called meaning 2b, share a certain sense which denotes the referent of *creature* as someone who is, one way or another, ‘less’ than the speaker – for example, in terms of fortune (example 11), social status and / or morals (example 16) or mental capacity (example 8). Thus, simply by choosing the term *creature*, the speaker is signalling subtle evaluation of the referent.

5.2.4 Semantic change

As we saw in section 5.2.2, referential NPs, which are always definite, apply only to female defendants. This is but one small subset of all instances of *creature*. Therefore, it is necessary to take a look at the general structure of the definiteness category. Let us begin by considering the distribution of definite and indefinite NPs over the entire time period covered in this study. In Figure 6 below, the so-called meaning 2b (pronouns comparative to indefinite pronouns in *-body*, for example *nobody*) has been filtered so as to see its influence on the results.

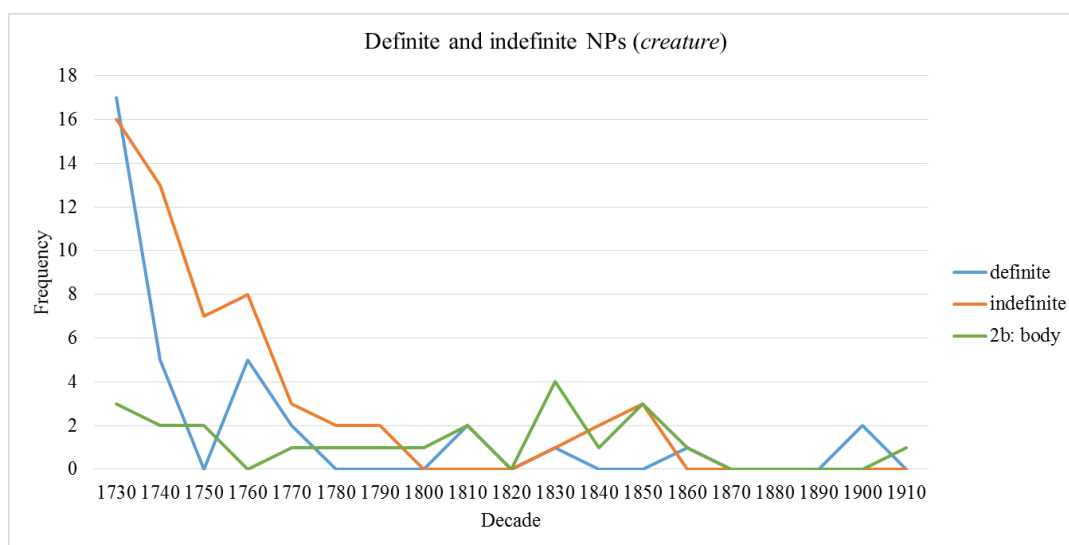


Figure 6: Definiteness of lexical NPs (*creature*)

The main thing to stand out from Figure 6 is the fact that throughout the entire period there are more indefinite than definite NPs. The results of this dataset align nicely with those of the corpus-level (discussed in section 5.1). As we can now see, the modest peak in the early nineteenth century, which was also pointed out before in connection to Figure 2, is due to an increase in indefinite NPs. However, this increase consists mainly of instances where the term *creature* is used in meaning 2b (see example 5). Meaning 2b is not a high frequency sense of the term, but it is used fairly consistently throughout the period.

Furthermore, in the earliest observations (from the 1730s), *creature* occur fairly equally both in definite and indefinite constructions. As the term begins to fall out of use, definite constructions decrease more rapidly indicating that *creature* is being used more explicitly. Nevertheless, both types of constructions are decreasing in frequency. Although there is more evidence of indefinite NPs in general, the actual frequencies as well as differences between the definite and indefinite NPs are very small indeed. Based on these findings, it seems clear that there is really no evidence of semantic change – *creature* is not becoming more subjective in meaning. If anything, it is falling out of use.

5.2.5 Multiple Correspondence Analysis

So far, the non-gendered term *creature* has been investigated from various perspectives which has provided interesting insights into the use and intended meanings of the term, but it has not been possible to analyse more than two or three variables at a time. The purpose of this final section is to tie them all together as well as to include yet one more variable into the equation: the main offence category.

For this part of the analysis, I have constructed a multiple correspondence analysis⁶ (henceforth MCA). MCA is a dimension reduction technique which identifies underlying patterns and structures in the data (cf. Greenacre & Blasius 2006). This analysis consists of 92 observations, i.e. instances in which the referents

⁶ The analysis done here was completed with the help of the statistical computing program R and its FactoMineR package.

could be identified as either male or female. Thus, the previously discussed meaning 2b and the two instances concerning undefined gender are not included. Figure 7 below visualizes the MCA result of *creature* as a MCA factor map. The variables included in this MCA are definiteness (light blue; definite / indefinite), gender of speaker (red; S_<gender>), gender of referent (black; R_<gender>), role of referent (dark blue; R_<role>) and main offence category (green). The MCA factor map presents the two main dimension out of a total of 13 dimension identified by the algorithm. Combined, these two dimension explain close to a fourth (25.37%) of all variance in the selected data which is fairly good for a 2-dimensional representation of a 13-dimensional space.

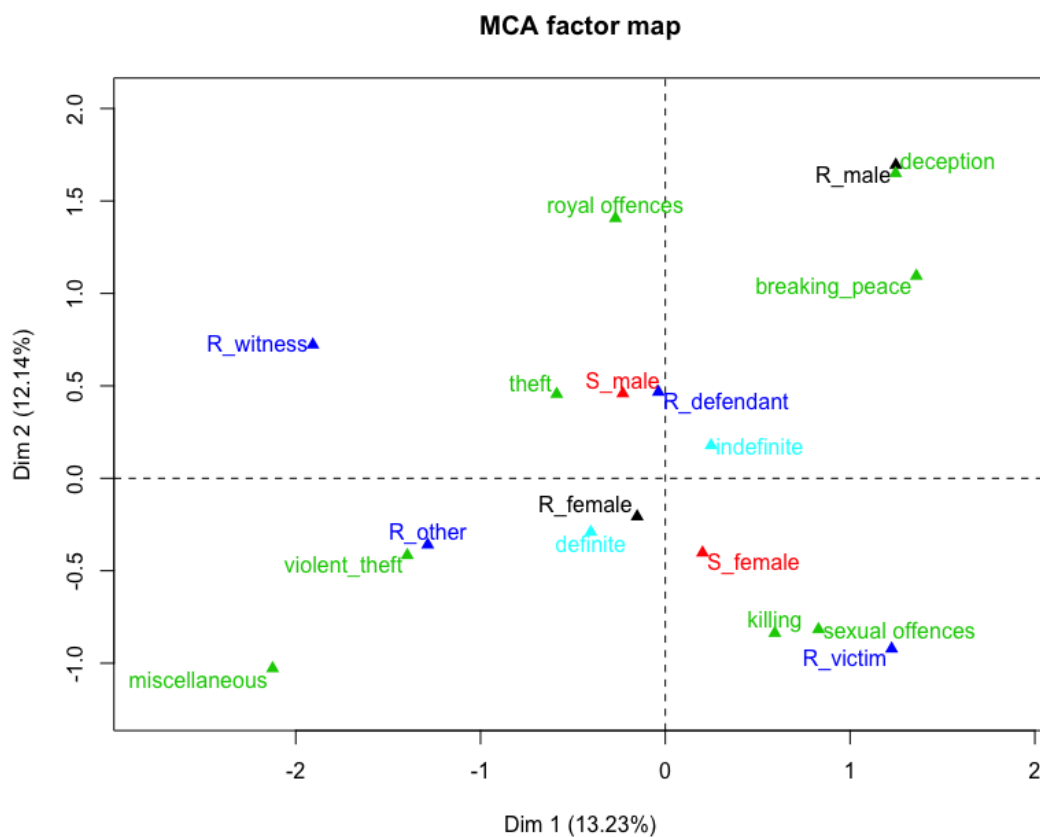


Figure 7: MCA factor map of *creature*

On a general level, variables included in this analysis tend to play a part on more than one dimension, so it is not possible to single out individual variables that would explain the differences captured by the dimensions⁷. In this analysis, however,

⁷ A good way of getting started with interpreting the MCA factor map is by focusing on one dimension at a time. Look at the extreme values on that dimension and try to find answers to the following

there is one variable that only the first dimension has picked up on: definiteness of the NP⁸. The remaining four variables are present on both dimensions but in a way that their influence is stronger on the other dimension. For example, the gender and role of the referent are stronger on the first dimension, while gender of the speaker and main offence category are the strongest on the second dimension.

Let us focus on the first dimension and consider the strongest variables. The difference in definiteness seen here confirms what we saw earlier in section 5.2.3 (Table 6), i.e. that the choice between definite and indefinite NPs is connected to the gender and role of the referent – female referents (R_female) and definite NPs (“definite”) are located to the left and male referents (R_male) and indefinite NPs (“indefinite”) to the right of the Dimension 1 division line. As for the role of referents, the MCA also confirms that victims (R_victim) are discussed in different terms than other (R_other) referents of *creature* who were previously identified as women of somewhat unflattering reputation. Here, we also have the defendants (R_defendant) close to the intersection of the two dimension. Although defendants are only very slightly to the left of the division line, they are closest to female referents and indefinite NPs which again confirms that our earlier conclusions were correct.

As was mentioned above, the main offence category plays a part on both dimensions, but its effect is stronger on the second one. I believe that the first dimension could be interpreted as a level of tolerance towards different types of crime. On the left, there are mainly theft cases, as opposed to breaking the peace and deception on the right hand side. While theft most certainly was a concern in this period (being a quite common offence), it is equally plausible that the opposite was true for offences which did not affect the day-to-day life of the people. Furthermore, I believe that the second dimension is even more clearly capturing the perceived level of immediate physical threat in everyday life posed by those offences – killing, sexual offences and violent theft contrasting with deception and royal offences (see Appendix E for all offence categories).

The gender of the speaker also affects the second dimension. As was established in section 5.2.3, there is no statistically significant difference between male

questions: what are the extreme values and in what way are they different from each other? Values that are on the same side of the division line will have something in common, and vice versa.

⁸ The *dimdesc* function was used to help interpret the results.

and female speakers, but now that more variables have been introduced, we are able to see that there are differences between male and female speakers. What was not as visible before, though, is the fact that subtle evaluations of female referents are more likely to occur when the offence in question is more violent and / or less tolerated by the society at large. This likelihood increases when the speaker, too, is female, and especially when the referent is a victim. Interestingly, the opposite is true for defendants. It would appear that defendants were evaluated in more explicit terms than any of the other referent groups, including women of questionable character or morals (or both).

5.3 Case study 2: *Person*

This structure of this case study of *person* is nearly identical to the previous one, including an overview of the dataset, an investigation of the referential uses of the term, a detailed account of the referents, as well as a multiple correspondence analysis in which the offence category is added. However, since this is a small sample consisting only of selected trials from the 1730s and 1740s, the investigation of semantic change is not included in this case study.

5.3.1 Overview of the dataset

As described in section 4.2.2, *person* is a relatively frequent term with 28,304 occurrences in the *Old Bailey Corpus 2.0* (OBC). The majority (15,803) of these are utterances, of which 8,452 were spoken by witnesses. Figure 8 below shows the total amount of utterances over time as well as those spoken by witnesses. It is interesting to note that the term is not used consistently in this data, but fluctuates between periods of very high usage and periods when it is used very little or not at all.

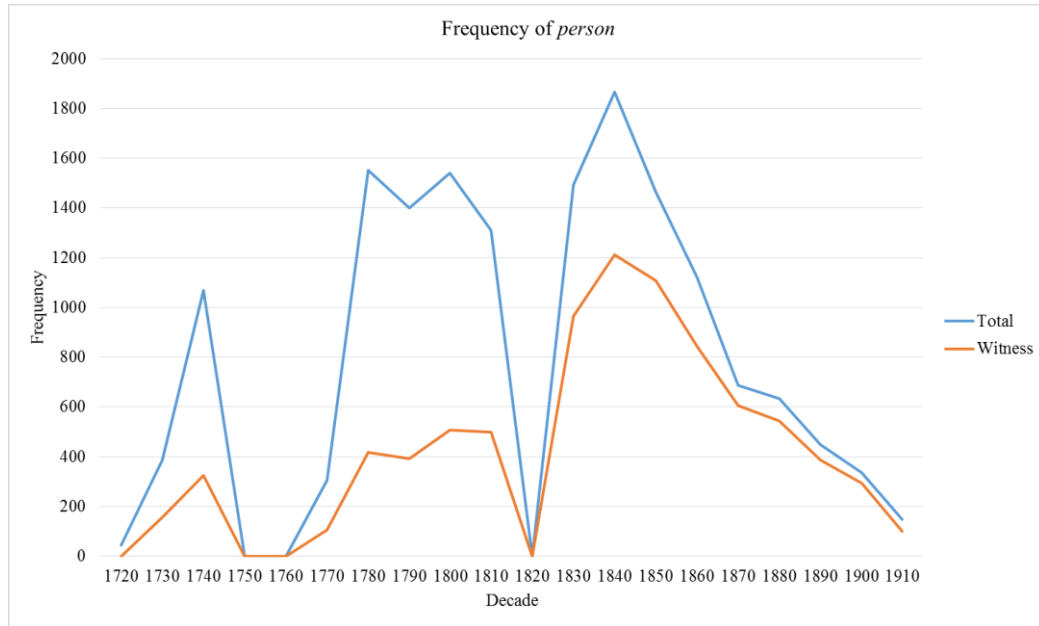


Figure 8: Frequency of *person*, entire corpus (n = 15,803)

As described in section 4.2.2, the dataset consists of 107 observations. Contrary to *creature*, the speakers in this sample of *person* are not balanced in terms of gender or social class (see Table 7 below).

Table 7: Gender and social class of speakers (*person*)

Gender of speaker	Social class of speaker							
	Higher		Lower		Undefined		Total	
	freq.	%	freq.	%	freq.	%	freq.	%
Male	38	95.00	9	81.82	43	76.79	90	84.11
Female	2	5.00	2	18.18	13	23.21	17	15.89
Total	40	100.00	11	100.00	56	100.00	107	100.00

For the majority, the social class of speakers remains unknown (56 = 52.34 %), and for those that have been identified by the compilers of the corpus, most speakers represent a higher social class (40 = 37.38%). As for gender, the vast majority of speakers are male (90 = 84.11%). Statistically, the distribution of gender and social class of speakers in this small dataset is similar to that of the larger dataset which includes all instances of *person* spoken by witnesses ($z = 0.41769085$). As was the case with *creature*, we will now turn our attention to the referents and return to the speakers in the multiple correspondence analysis in 5.3.4.

5.3.2 Referential *person*

It is surprising to find that in this sample of *person*, the term is used referentially to denote the defendant as infrequently as three times. There is just one first mention by Susannah Perk, the mother of the defendant Edward Poole, indicted for theft.

- (18) ***The unhappy person at the Bar** is my son: his character from his cradle has always been honest and just, and no one can charge him with a dishonest action.* (t17410701-14)

The remaining two referential NPs are instances of overuse involving a male referent. Here is William Wiseman testifying against Thomas Fuller in a tax fraud trial. After first referring to the defendant as *the Prisoner* and then switching to the masculine personal pronoun, Wiseman highlights his certainty of the defendant's identity in his final reply.

- (19) ***That very Person himself**, the Prisoner, came to my House, and insulted and abused me.* (t17471014-4)

Contrary to *creature*, it is my impression that any subtle evaluation present in these NPs is being communicated rather by the choice of adjectival premodifiers than the term *person* itself.

5.3.3 The referents

The gender and role categories are the same as before. Apart from two victims, the main courtroom role represented is the defendant. As is shown in Figure 9 below (see Appendix D for exact frequencies), over half of all referents are defendants ($n = 54$), and apart from the two victims mentioned above, the rest refer to someone else involved in the situation ($n = 51$). This time, however, there are clearly more male referents (56.07%) than female referents (17.76%)

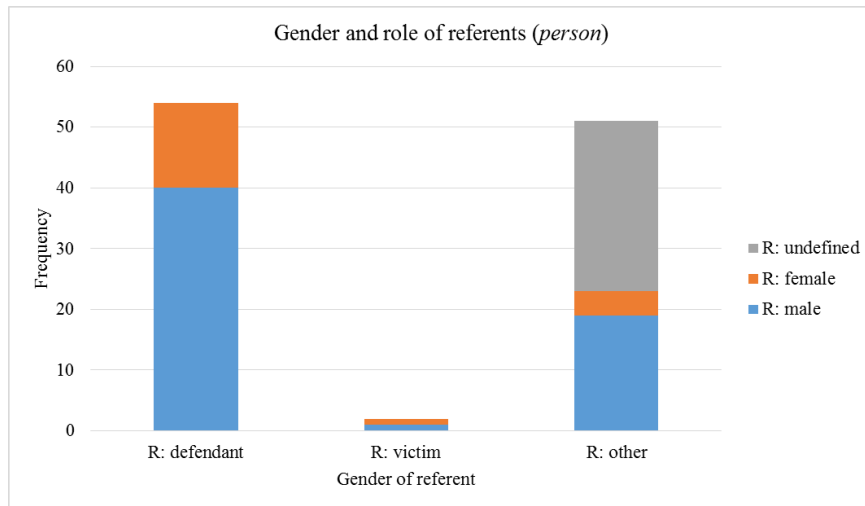


Figure 9: Gender and role of referents (*person*)

The gender distribution across speakers and referents is shown below in Figure 10 (again, exact frequencies are given in Appendix D).

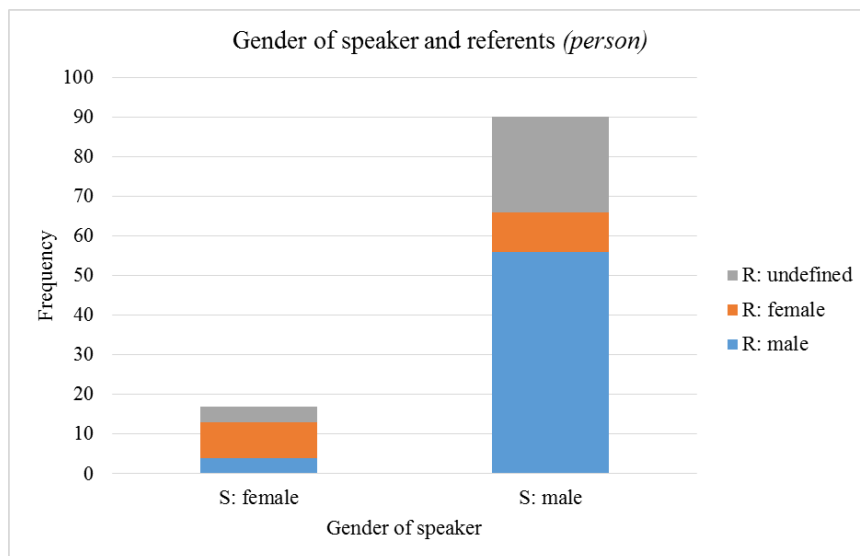


Figure 10: Gender of speakers and referents (*person*)

Not only are there more male speakers, but the speakers differ in terms of the gender of the referent ($\chi^2 = 0.00003$, $df = 1$, $p < 0.05$), meaning that speakers denote mostly referents of their own gender. It is possible that this is a sampling error, but without knowledge of the gender of all referents of *person*, this cannot be tested statistically.

As for the different referent groups, Table 8 below presents the distribution between definite and indefinite NPs cross tabulated by the gender and role of the referents. The distribution between definite and indefinite NPs is nearly identical to the corpus level (cf. Table 3).

Table 8: Definiteness vs. gender and role of referent (person)

Definiteness / Referent	Gender of referent			Total
	Female	Male	Undefined	
Definite	(63.16 %) 12	(65.00 %) 39	(14.29 %) 4	(51.40 %) 55
Defendant	10	30	0	40
Other	2	9	4	15
Indefinite	(36.84 %) 7	(35.00 %) 21	(85.71 %) 24	(48.60 %) 52
Defendant	4	10	0	14
Victim	1	1	0	2
Other	3	10	24	36
Total	(100.00%) 19	(100.00%) 60	(100.00%) 28	(100.00%) 107

Gender: Undefined

Let us again begin with the undefined gender category which contributes to roughly a fourth ($n = 28$) of the sample. The small majority (53.57%) of these are general references to a human being – reminiscent of the so-called meaning 2b of *creature*, i.e. pronouns comparative to indefinite pronouns in *-body* – as used here by Mr. Biggs in a murder trial against Thomas Clements.

- (20) [...] *When I first saw him, he appeared to me to have a bad Habit; and when I went to the Market, I enquired, and found that both he and the Prisoner had been given to drinking; and when a **Person** has been addicted to drinking, Things not fatal may turn so.* [...] (t17400416-33)

Contrary to *creature*, nearly half of the observations involving undefined gender (46.43%) are such where the referent could not be identified, for example in the case when William Nicholl describes the events leading up to some plates being stolen by the defendant James Courney.

- (21) [...] *he desired me to draw him a Penny-worth of Beer; after that I went down for some Beer for **another Person**, and he takes an Opportunity to go away with the Plate [...]* (t17470715-14)

Gender: Male

Over half of all referents of *person* (n=60) are male. As many as two thirds (n = 40) of these are defendants, but it is interesting to note that these references are divided into references in which the speaker is either certain or uncertain whether the person in question is the defendant, or was uncertain at the time of the events being described. For example, in the murder trial against Richard Dubois, Charles Dennis refers to a perpetrator he had not seen himself.

- (22) *He [the victim] still seem'd to retain some Animosity against **the Person** that had wounded him, tho' he would not name him [...]* (t17340710-34)

And in (23), Maurice Harrison is curiously reluctant to positively identify the defendant Henry Whitesides as the other thief, despite describing his involvement in the situation.

- (23) [...] *at the same time Whitesides snatch'd a Hat off the Counter, and ran away with it [...]; I think Whitesides is **the other Person**, but I cannot swear positively to him.* (t17320419-22)

As for the remaining observations concerning male referents, only one could be identified as a victim and the rest (n = 19) refer to someone else otherwise not mentioned. Regardless of their role, the majority of references to males occur in object or subject position which are nearly equally divided between definite and indefinite NPs. Typically, definite NPs are not modified, and indefinite NPs occur both with and without modification. When the NPs is modified, it is done by using a postmodifying clause or objective premodification. NPs functioning as subject complements (n = 19) are nearly always, apart from one instance, definite constructions with a postmodifying clause – for example, as used by Henry Corney in a case involving a highway robbery.

- (24) *I assisted in taking the Highwayman. The Prisoner is **the same Person that we took**. [...]* (t17330404-44)

Gender: Female

In the case of female referents (n = 19), there are only two references to people outside the courtroom. While one referent was identified as a victim, the vast majority (n = 17) of female referents are defendants. In contrast to male defendants, nearly all of the female references (n = 15) are expressed in certain terms, as is the case in Samuel Prior's testimony against Mary Pebworth, indicted for stealing several items of clothing.

- (25) *[...] I am sure the Prisoner at the Bar is **the Person**; and about two or three Days afterwards it was put in the Advertisement.* (t17470909-25)

Syntactically, references to females occur mainly as subject complements in definite NPs – with and without postmodification – and only seven in indefinite NPs (with subjective premodification) or as the subject or object of the clause (without modification).

5.3.4 Multiple Correspondence Analysis

In this final section of my analysis, I conduct a multiple correspondence analysis (MCA) of *person*. The meaning and interpretation of MCA have already been discussed in section 5.2.5 and will not be repeated here. The dataset for this analysis is very similar to that of *creature* – it includes only references to physical beings who have been identified as either male or female. Also, the two referents identified as victims were removed as a previous version of this analysis proved them to be outliers, which leaves us with 77 observations. The variables and their assigned colours are the same as before: definiteness (light blue; definite / indefinite), gender of speaker (red;

S_<gender>), gender of referent (black; R_<gender>), role of referent (dark blue; R_<role>) and main offence category (green).

The algorithm identified a total of 9 dimensions, and the two dimensions depicted in the MCA factor map below (Figure 11) explain over a third (36.20%) of all variance – considerably more than was the case with *creature*.

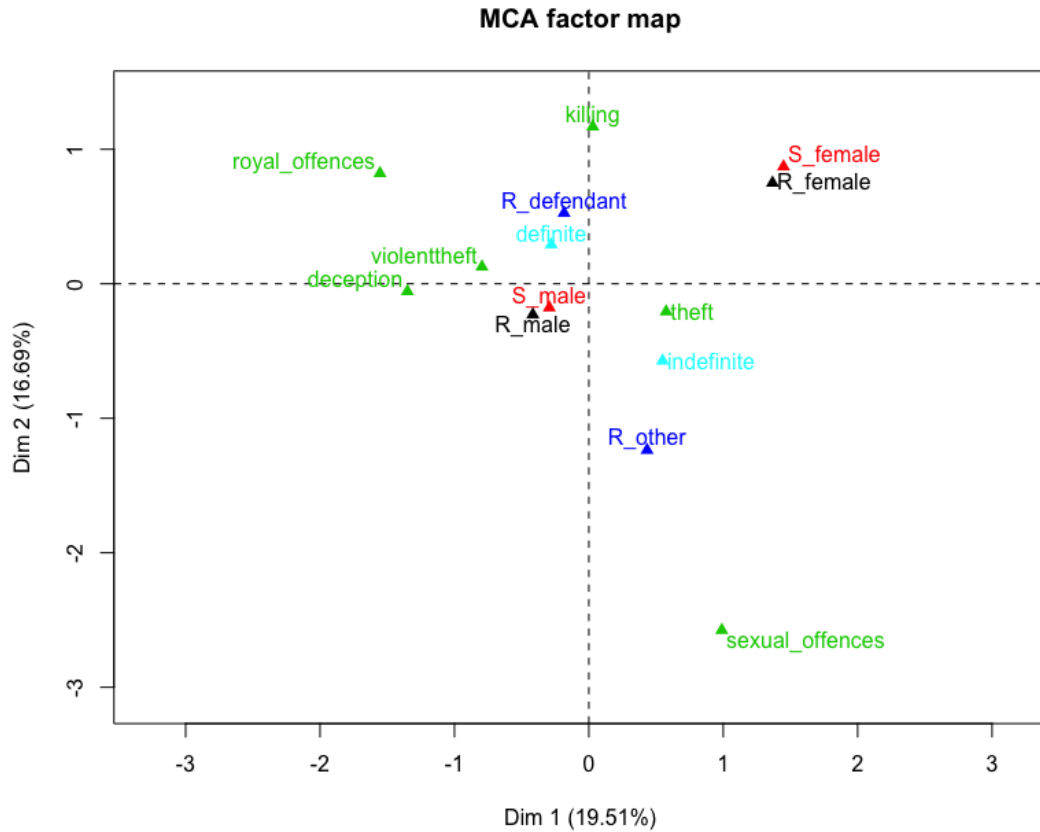


Figure 11: MCA factor map of *person*

The first dimension has clearly identified the gender aspect of *person* discussed above in conjunction with Figure 10, i.e. speakers have a tendency of denoting referents of their own gender. There is also a minor difference in terms of definiteness, but it is stronger on the second dimension, along with the role of the referent. The second dimension confirms what was seen before: while female referents (R_female) of *person* are mostly defendants (R_defendant) and these references occur mainly in definite NPs, the situation is more varied in the case of male referents (R_male) – also keeping in mind that the vast majority of referents are male.

Unfortunately, the MCA remains inconclusive in terms of offence category. Both dimensions distinguish between different offences (see Appendix F for more

details), but while the first dimension contrasts royal and sexual offences, the second dimension shows a markedly wide gap between sexual offences and killing. This time, however, the offences do not appear to have a common denominator and, thus, appear more or less arbitrary. The explanation for this could be as simple as the purpose of using the term *person*. As we saw in the previous section, *person* was used mainly for identifying the referent and this was done with varying degrees of assertiveness.

Although the results and interpretations presented in this analysis appear to fit well with what is known of crime and gender in the past (discussed in section 2.2.4), it is also easy to see what one wishes to see. Qualitative analysis is always, at least to some extent, subjective. This discussion continues in the following chapter in which I consider the results and their validity from a wider perspective.

6 Discussion

This section is devoted to discussing the merits and possible limitations of this study. I discuss the results presented in the previous section and, when applicable, compare them to previous studies. I also comment on differences due to methodological choices, as well as the challenges encountered along the way and the implications they might have had.

6.1 Quantitative study

Beginning with the quantitative part of my study, the analysis presented in the previous section revealed that *prisoner* and *defendant* occurred almost completely in definite constructions, and that there was very little difference between simple and premodified NPs. Not only did these findings confirm that *prisoner* and *defendant* were the so-called default options for denoting the defendants, but that they are also the most objective terms for doing so. Also, the majority of premodifiers used in connection with these particular non-gendered terms were objective (see Appendix A), and used in constructions such as *the other prisoner* or *the female defendant*. This leads me to conclude that, in this particular context, *prisoner* and *defendant* were low accessibility

markers which were used for identifying and referring to a particular referent, i.e. the defendant, by means of their role in the courtroom. Unfortunately, this interpretation cannot be validated by comparing to other studies as the definiteness of non-gendered terms in the historical courtroom has not been studied before.

6.1 Case studies of *creature* and *person*

The qualitative part of my study was devoted to the analysis of *creature* and *person*. While there are various historical studies of gender-related terms in general (Bäcklund 1996; Lilja Visén 2007, 2012; Nordberg 2002; Wallin-Ashcroft 1992, 1996, 2000), prior knowledge of terms such as *creature* and *person* has, to a large extent, been confined to the findings by Nordberg (2002) and Wallin-Ashcroft (2000). The results are brief, and do not concern courtroom data. Instead, the only directly comparable study in terms of data is that by Lilja Visén (2007).

Creature

According to Lilja Visén (2007: 138–139), the term *creature* shows a gender bias in that the referents were predominantly female, and that collocating adjectives differed between male and female referents so that collocates were likely to be positive with female referents and negative with male referents. In her material, *creature* was used either with reference to human beings in general or with female reference, and Lilja Visén concludes that *creature* was “always used with referents that the language producer pities in some way.”

Contrary to Lilja Visén (2007), I did not find indisputable evidence of *creature* being used to denote pitiable human beings – at least not as clearly. Of course, some speakers clearly took pity on the referent, but the analysis also showed that there were many cases in which *creature* was used to cast doubt or even to condemn the referent in no uncertain terms. Furthermore, my data from the Old Bailey showed that this was not a gender issue as such, i.e. commiseration and doubt could and was signalled with both male and female referents. A determining factor behind the different uses of *creature* appeared to be the speaker’s relationship to the referent. But defendants were not universally condemned, nor were the victims universally pitied. Instead, speakers

portrayed the referents differently depending on whether they were representing the prosecution or the defence.

My analysis of *creature* also found evidence of a gender bias. The term was predominantly (but not only) used for referring to female referents, the majority of which were defendants. On a general level, speakers used *creature* mainly in indefinite NPs in complement position, i.e. to overtly express their subjective views of the referents, both male and female. These subjective evaluations were made even more specific by the use of a variety of subjective premodifiers. Indefinite NPs being the norm, as it were, it naturally follows that definite NPs, especially referential expressions, were rather rare. Only a handful of referential NPs were cases in which the speaker opted for a lower than expected accessibility marker. By doing so, they too expressed their subjective view of the referent (here, out-group status), but in a subtler manner. What is of significance, however, is that all the referents were female. Furthermore, the likelihood of subtle evaluation of female referents was higher the more violent and / or less tolerated by society the offence was, especially in the case of victims, but not the defendants. This bias towards female defendants is also significant from the historical point of view. As was established in section 2.2.4, the historical courtroom was a space predominantly occupied by men, including the defendants of whom only some 15% of were female. The gender distribution found in connection with *creature* stands in sharp contrast to this norm. This could very well be evidence of the subordinate position of women in Late Modern (1700–1900) English society, and that breaches of these prescribed, narrow roles were less tolerated than those by men, which is what both Wallin-Ashcroft (2000: 73–74) and Nordberg (2002: 105) have concluded.

Person

As for the non-gendered term *person*, both Lilja Visén (2007: 68–69) and Wallin-Ashcroft (2000: 56) have found strong evidence of gender bias, but this time the prototypical referent was male (although there were significant regional differences between Britain and America which were mainly due to differences in the data used in these studies). Lilja Visén and Wallin-Ashcroft have suggested that this gender bias was due to the term *person* being used for differentiating human referents from animals and inanimate objects, and the prototypical eighteenth-century *person* being male.

Purely in terms of the referent's gender, my results of *person* show a similar gender bias: there were far more male than female referents and although referential uses of *person* were very rare, all these referents were male. But the situation becomes more complicated when other variables are considered. The first thing to point out is the gender distribution of speakers which, as was seen in section 5.3.1, was skewed in favour of male speakers and, more importantly, there was a correlation between the gender of the speaker and that of the referent, so that speakers mainly referred to individuals of their own gender. The finding is interesting and calls for an explanation. Unfortunately, adding the offence category into the equation did not shed more light on the issue. This could be due to the very small sample analysed in this study, sampling errors, or both. Nevertheless, it goes to show that in order to understand what this gender bias is really comprised of, we must consider more factors than just the gender of the referent.

Furthermore, my findings and conclusions of the use of *person* differ from previous studies. The term was mainly used for the purposes of identification, i.e. between two or more human beings, not between human being and animals. Instead, I found evidence of *person* being used for generic references, similar to the meaning 2b discussed in connection to *creature*. Such a sense of the term has not been discussed in previous literature, nor is it indicated as a clearly separate meaning in *The Oxford English Dictionary* (OED, see also Appendix C). However, it is theoretically possible that this is the very same meaning previously interpreted as differentiating humans from animals, but without concrete examples in previous studies, it remains unverified.

6.3 Methodology and data

Although my analysis found features similar to previous studies, the results and interpretations thereof do also differ. This is, to a large degree, due differences in data and methods. The first obvious difference is the number of variables – more variables provide better visibility. Previous studies and conclusions reached by them lean heavily on a straightforward categorization of collocating adjectives as either positive or negative. In my study, I have included variables such as definiteness and offence category, all the while approaching my topic from the point of view of subjectivity.

Furthermore, it must be pointed out that although Lilja Visén (2007, 2012) focuses on courtroom data, she does not factor in the role of the referent nor the type of offence.

As for the referential uses of *creature* and *person*, I took a slightly different path than Vartiainen (2017, Submitted) and included first mentions in witness testimonies into my analysis. This is due to my study being primarily concerned with the defendants, and much of what is discussed in the courtroom evolves around the actions and / or character of the defendants. In other words, I find it very likely that defendants are active referents in the discourse throughout the trial and first mentions by a particular speaker are not identical to first mentions as defined by Accessibility theory. This is further supported by the fact that the terms *prisoner* and *defendant* were the default options for when a speaker first refers to the defendant, and replacing those terms with another term in that position, such as *creature* or *person*, is a violation Accessibility theory.

This brings us to the issue of individual utterances. Focusing on individual utterances poses a possible problem, because by doing so we have no visibility to whether or not the speakers have been led by the previous speaker in their choice of terms. It may very well be that speakers are not implying anything in particular when they use terms such as *creature* or *person*, but are instead repeating what they have just heard mentioned when the previous speaker referred to a specific individual. An example of possible interference by a previous speaker can be found in connection to example (7) in section 5.2.3, where the speaker is responding to the following question.

(26) ***This poor creature*** is a relation of your's? (t17900224-43)

Thus, the person asking the question uses the term *creature* first and could therefore be leading the witness to making an unconscious choice of using the same term. Such interference is indisputably problematic, but fortunately it is very infrequent, at least in the case of *creature*. As for *person*, the term is much more widely used in the courtroom by all participants, and therefore defining causal relationships would also be more complex.

The qualitative method has also had its implication on the amount of data that could be included in the two case studies. As we have seen, the datasets for both *creature* and *person* have been very modest: 112 and 107 observations, respectively. The downside of small datasets is that any skews in the distribution of variables will

inevitably become highlighted, for example the gender distribution of referents. Furthermore, in the case of *person*, the dataset consists of a sample which may be subject to sampling errors. Although statistical testing was included in the analysis, the sample is very small compared to the complete population of observations and, due to the limited number of variables available for the latter, statistical testing was only partly possible.

The collection of additional metadata was also a very slow process as it required a considerable amount of close reading of the *Proceedings of the Old Bailey* (March 2015). The main difficulty was that of identifying not only the gender but also the role of the referent. With each new trial (here, a total of 219 trials), one enters into each new discourse *in medias res*. Depending on the contextual information available, some participants can be identified fairly quickly while others may require your full attention for a longer time. And as we are dealing with courtroom data, one must remember not take anything for granted, not even family relations.

Entering mid-way into a conversation is always challenging, but even more so when dealing with historical data. One must also be alert to the possibility of omissions in both the data and the original records. As was mentioned in section 4.1.2, omissions were common. This poses potential problems for *creature* and *person* since we are focusing on witness testimonies. The observations are scarce, and they are clustered in the same period as when the *Proceedings* were printed as so-called ‘squib reports’ which are known to have omitted heavily anything reminiscent of repetition or of minor significance, for example similar witness testimonies (Shoemaker 2008: 566, 571–572). It is likewise possible that only subjective contents were kept, or at least are more likely to have survived the editor’s cut. Of course, if something is not found in the *Proceedings*, it does not mean that it was not said – it could just have been edited out from the printed version. Unfortunately, we have no way of knowing what was left out on purpose and what was never said at all.

As for the variables utilized in this study, two interesting ones were not, unfortunately, included: age and social class of the referent. Although the referent was present in the courtroom and it would, at least theoretically, be possible to search the corpus for additional data, the outcome is highly uncertain. Even if they had said something during the trial – especially defendants were not very talkative (Langbein 1978: 307) – it is likely that any clues as to their age or social class, especially the former, would not be available. Age was usually mentioned only when the person in

question was really young or really old. On the other hand, if the individual referred to was someone outside the courtroom, for example a ‘night walker’ (i.e. a prostitute), we could relatively confidently mark them as representing the lower class, but this is just one example of many and there would be no way of making an educated guess of their age.

The most important piece of information that is not included in this study is what I would like to call a proximity measure, i.e. the speaker’s relationship to the referent. As we saw in the case study of *creature*, whether the speaker was speaking on behalf or against the referent had an impact on how a term was used. This kind of information would be essential for analysing the implied meanings more accurately, but it is also very hard to establish. In some cases, their relationship might be concluded by the part of trial (prosecution or defence) in question, or based on the witness’ own description, but due to the data available, it is not always possible to be completely sure whose side the speaker was taking.

Despite the challenges regarding historical courtroom data described above, I am positive that my study has provided new insight both to the historical uses of non-gendered terms in the trials of the Old Bailey as well as the ways in which they can be studied. The corpus-based study in the beginning proved to be a nice way of producing a starting point for the subsequent case studies – in addition to providing an overview, it also allowed us to observe the terms in relation to each other. Then, in the qualitative case studies, we saw how statistical modelling can be applied to historical linguistic data. Not only did the multiple correspondence analyses of *creature* and *person* confirm the variable-level results, but they showed us that the power of MCA lies in its ability to produce new information by including and combining a wider range of variables. However, this has not been an exhaustive exploration of neither *creature* nor *person*, but rather “should be regarded as a snapshot of the period” which “requires (in)validation by further research” (Archer 2005: 134).

7 Conclusion

This study has investigated the use of non-gendered terms in the historical courtroom. The objective was to find out how subtle attitudes, if any, towards male and female defendants were conveyed through the use of non-gendered terms in witness testimonies. The main body of data was drawn from the *Old Bailey Corpus 2.0* (OBC) and it was complemented with the help of the *Proceedings of the Old Bailey* (March 2015). The analysis consisted of two parts: a corpus-based investigation of twenty non-gendered terms likely to have been used for denoting the defendant, and a qualitative part in which I took a closer look at the terms *creature* and *person*.

The corpus-based investigation revealed that while terms denoting criminality or suspicious character were highly subjective terms, the opposite was true for terms denoting the defendant's role in the courtroom, i.e. *defendant* and *prisoner*. This suggests that *prisoner* and *defendant* were used for unambiguously identifying the intended referent. Therefore, these terms should be considered as the most objective terms for denoting to the defendants – i.e. by their role in the courtroom.

While both non-gendered terms *creature* and *person* were more subjective than *prisoner* and *defendant*, the qualitative case study of *creature* revealed that it was even more subjective than the corpus-level results originally suggested. *Creature* also showed evidence of an inherent subjective meaning, i.e. the choice of *creature* instead of the expected term (*prisoner*, *defendant*, or a personal pronoun) was a marker of subjective evaluation on its own. *Creature* was not a general term used to denote human beings (as opposed to animals), nor was it synonymous of *person* although it is defined by it. Instead, it carried subjective evaluation of the referent regardless of the type of NPs it occurred in, rendering the referent as somewhat less than the expected norm.

However, *creature* was not very subtle, especially not in the case of defendants. *Creature* occurred mainly in overt evaluations communicating compassion or doubt, praising or degrading the referent. The kind of emotion that was signalled was independent of the gender and role of the referent. Instead, it was more clearly marked by the relationship between the speaker and referent, i.e. depending on whether the speaker was speaking on behalf or against the referent. *Creature* also showed strong evidence of gender bias: the referents of *creature* were predominantly female. Although subtle evaluations of referential NPs as suggested by Ariel (1990) were

rather rare, it is noteworthy that all the referents were female defendants. The likelihood of subtle evaluation was higher the more violent and / or less tolerated by society the offence was, however this was true only for female victims, not the defendants.

As for *person*, it was even less subtle than *creature* – no evidence of subjective evaluation was found. Instead, the results revealed that *person* was primarily used in contexts which sought to unambiguously identify the referent from a group of two or more possible referents. Evidence of gender bias was again found, but it was the opposite of *creature*, i.e. the referents were predominantly male. All the referents in referential NPs were male, although these were extremely rare. In addition, the analysis of *person* revealed a positive correlation between the gender of the speaker and that of the referent, i.e. speakers had a tendency of referring to individuals of their own gender. However, the type of offence did not explain this gender difference.

These findings are reminiscent of those of previous studies, at least as far as they can be compared, and differences are mainly due to methodology. But perhaps the most significant differences stem from the broader conclusions. The results derived by the two case studies lead me to conclude that crime in eighteenth century England was indeed a male domain, but deviant female behaviour did not go unnoticed, nor were the evaluations thereof repressed. In the case of *person*, this study also found a positive gender correlation between the speakers (witnesses) and their referents. This could be evidence of the so-called different spheres, i.e. males and females coming into contact primarily with individuals of their own gender. But social phenomena are extremely complex and we must tread carefully when drawing linear correlations between gender and prescribed roles in society. What we have seen here are merely glimpses of a time gone by and the different roles played by men and women in the eighteenth century London. Therefore, I present these conclusions as tentative.

Having said that, there are various ways in which this study could be improved. As the amount of data included in the two case studies was fairly modest, the obvious course of action would be to add more data. As this study has included only utterances spoken by witnesses, it could be complemented by adding utterances by other speakers: victims, lawyers, judges, or even other defendants themselves. As the overall frequency of *creature* in the *Old Bailey Corpus 2.0* (OBC) is relatively low, the term could be studied completely. In the case of *person*, our understanding of the term could

benefit from more samples from different points of time, as it would decrease the margin of sampling error, as well as allow for the investigation of semantic change.

Courtroom data from other sources could also be included. In addition to comparing (and hopefully verifying) the current results, additional sources would provide a means of adding to our knowledge of historical courtroom discourse as well as the role and functions of non-gendered terms in this domain. I should also hope to see historically oriented studies carried out on non-gendered terms other than those included in this current study. I am certain that each term would reveal interesting and socially significant information of a time gone by, regardless of the type of data used.

Although our current society has come to expect gender neutrality, language and attitudes change slowly. By understanding the past uses of different gender-related terms, we are also better able to understand their use in the present. But social issues are complex and call for wide-scale approaches which enable simultaneous analysis of a wide range of variables. I am optimistic that this study and the methods applied here have added to our knowledge of non-gendered terms and their use in the historical courtroom. The process of data extraction may have been a slow one, but very much worth the effort.

References

Primary sources

- OBC = *Old Bailey Corpus 2.0*. Compiled under the supervision of Huber, Magnus, Magnus Nissel & Karin Puga, 2016. <http://fedora.clarin-d.uni-saarland.de/oldbailey/index.html>. (22 February, 2017.)
- Proceedings of the Old Bailey (version 7.2). <http://www.oldbaileyonline.org/>. (15 March, 2017.)

Secondary sources

- Archer, Dawn. 2002. “Can innocent people be guilty?” A sociopragmatic analysis of examination transcripts from the Salem witchcraft trials. *Journal of Historical Pragmatics* 3(1). 1–30.
- Archer, Dawn. 2005. *Questions and answers in the English courtroom (1640–1760)*. Amsterdam & Philadelphia: John Benjamins.
- Archer, Dawn. 2006. (Re)initiating strategies. Judges and defendants in Early Modern English courtrooms. *Journal of Historical Pragmatics* 7(2). 181–211.
- Archer, Dawn. 2011. Cross-examining lawyers, facework and the adversarial courtroom. *Journal of Pragmatics* 43(13). 3216–3230.
- Ariel, Mira. 1990. *Accessing noun phrase antecedents*. London & New York: Routledge.
- Ariel, Mira. 2001. Accessibility theory: An overview. In Ted Sanders, Joost Schilperoord & Wilbert Spooren (eds.), *Text representation: linguistics and psycholinguistic aspects*. 29–87. Amsterdam: John Benjamins.
- Beattie, John M. 1986. *Crime and the courts in England 1660–1800*. Reprint 2002. Oxford: Clarendon Press.
- Benveniste, Emile. 1971 [1958]. Subjectivity in language. In *Problems in general linguistics*, 223–230. Translated by Mary Elizabeth Meek. Coral Gables, FL: University of Miami Press.
- Bäcklund, Ingegerd. 1996. Males and females in Jane Austen’s world: A study of terms. In Gunnar Persson & Mats Rydén (eds.), *Male and female terms in*

- English. proceedings of the symposium at Umeå University, May 18–19, 1994*, 9–28. Umeå: Acta Universitatis Umensis.
- Cecconi, Elisabetta. 2012. The language of defendants in the 17th-century English courtroom: A socio-pragmatic analysis of the prisoners' interactional role and representation. Bern: Peter Lang AG.
- Chaemsaithong, Krisda. 2009. Re-visiting Salem: Self-face and self-politeness in the Salem witchcraft trials. *Journal of Historical Pragmatics* 10(1). 56–83.
- Chaemsaithong, Krisda. 2014. Interactive patterns of the opening statements in criminal trials: A historical perspective. *Discourse Studies* 16(3). 347–364.
- Cotterill, Janet. 2010. Interpersonal issues in court: Rebellion, resistance and other ways of behaving badly. In Miriam A. Locher & Sage L. Graham (eds.), *Interpersonal pragmatics*, 353–380. Berlin: De Gruyter Mouton.
- Eckert, Penelope & Sally McConnell-Ginet. 2003. *Language and gender*. Cambridge: Cambridge University Press.
- Emsley, Clive. 1987. *Crime and society in England 1750–1900*. London: Longman.
- Fletcher, Anthony. 1995. *Gender, sex, and subordination in England, 1500–1800*. New Haven: Yale University Press.
- Greenacre, Michael & Jörg Blasius (eds.). 2006. *Multiple correspondence analysis and related methods*. Boca Raton (FL): Chapman & Hall/CRC.
- Hall, Kira & Mary Bucholtz (eds.). 1995. *Gender articulated: Language and the socially constructed self*. New York & London: Routledge.
- Huber, Magnus. 2007. The Old Bailey Proceedings, 1674–1834: Evaluating and annotating a corpus of 18th- and 19th-century spoken English. In Anneli Meurman-Solin & Arja Nurmi (eds.), *Annotating variation and change (Studies in variation, contacts and change in English 1)*. <http://www.helsinki.fi/varieng/series/volumes/01/huber/>. (2 February, 2017.)
- Huddleston, Rodney D. & Laurie Bauer & Geoffrey K. Pullum. 2002. *The Cambridge grammar of the English language*. Cambridge: Cambridge University Press.
- Kahlas-Tarkka, Leena & Matti Rissanen. 2007. The sullen and the talkative: Discourse strategies in the Salem examinations. *Journal of Historical Pragmatics* 8(1). 1–24.
- Kahlas-Tarkka, Leena & Matti Rissanen. 2011. Attitudes of the accused in the Salem witchcraft trials. In Päivi Pahta & Andreas H. Jucker (eds.), *Communicating*

- early English manuscripts*, 241–258. Cambridge & New York: Cambridge University Press.
- Kryk-Kastovsky, Barbara. 2006. Historical courtroom discourse. *Journal of Historical Pragmatics* 7(2). 163–179.
- Kytö, Merja & Terry Walker. 2003. The linguistic study of Early Modern English speech-related texts. How “bad” can “bad” data be? *Journal of English Linguistics* 31(3). 221–248.
- Lakoff, Robin Tolmach. 1975. *Language and woman's place*. New York: Harper & Row.
- Lakoff, Robin Tolmach & Mary Bucholtz. 2004. *Language and woman's place: Text and commentaries*. Rev. and expanded ed. Oxford: Oxford University Press.
- Langacker, Ronald W. 2008. *Cognitive grammar: A basic introduction*. Oxford: Oxford University Press.
- Langbein, John H. 1978. The criminal trial before the lawyers. *University of Chicago Law Review* xlv. 263–316.
- Langbein, John H. 2005. *The origins of adversary criminal trial*. Oxford: Oxford University Press.
- Lilja Visén, Sara. 2007. *Gender-related terms in English depositions, examinations and journals, 1670–1720*. Uppsala: University of Uppsala dissertation.
- Lilja Visén, Sara. 2012. Old creatures and poor children: The use of non-gendered words for gendered individuals in historical speech-related material. *Moderna Språk* 106(2). 85–101.
- Nordberg, Catherine. 2002. Whores and cuckolds: On male and female terms in Shakespeare's comedies. Luleå University dissertation.
- OED (*The Oxford English Dictionary*) Online. Oxford University Press, June 2017. <http://www.oed.com>. (15 November, 2017.)
- Persson, Gunnar. 1992. The shifting image of the creature. In Lars-Erik Edlund & Gunnar Persson (eds.), *Language – the time machine: papers in honour of Bengt Odenstedt on the occasion of his sixtieth birthday, July 21, 1992*, 103–114. Stockholm: Almqvist & Wiksell International.
- Persson, Gunnar. 1996. Invectives and gender in English. In Gunnar Persson & Mats Rydén (eds.), *Male and female terms in English. proceedings of the symposium at Umeå University, May 18–19, 1994*, 157–173. Umeå: Acta Universitatis Umensis.

- Rama-Martinez, Esperanza. 2013. Courtroom interaction between 1760 and 1860: On defendants taking (re)initiating moves. *Journal of Historical Pragmatics* 14(2). 236–262.
- Romaine, Suzanne. 1999. *Communicating gender*. Mahwah, NJ & London: Lawrence Erlbaum Associates.
- Scheider, Edgar W. 2002. Investigating variation and change in written documents. In J.K. Chambers, Peter Trudgill & Natalie Schilling-Estes (eds.), *The handbook of language variation and change*. Oxford: Blackwell.
- Schulz, Muriel. 1975. The semantic derogation of women. In Nancy Henley & Barrie Thorne (eds.), *Language and sex: difference and dominance*. Rowley, MA: Newbury House Publishers.
- Sharpe, James A. 1984. *Crime in Early Modern England 1550–1750*. London & New York: Longman.
- Shoemaker, Robert B. 1998. *Gender in English society, 1650–1850. The emergence of separate spheres?* London & New York: Longman.
- Shoemaker, Robert B. 2004. *The London mob: Violence and disorder in eighteenth-century England*. London: Hambledon and London.
- Shoemaker, Robert B. 2008. The Old Bailey Proceedings and the representation of crime and criminal justice in eighteenth-century London. *Journal of British Studies* 47(3). 559–580.
- Traugott, Elizabeth Closs. 2010. (Inter)subjectivity and (inter)subjectification: a reassessment. In Kristin Davidse, Lieven Vandelanotte & Hubert Cuyckens (eds.), *Subjectification, intersubjectification and grammaticalization*, 29–71. Berlin & New York: Walter de Gruyter.
- Vartiainen, Turo. 2016. *Challenges in categorization: Corpus-based studies of adjectival premodifiers in English*. Helsinki: University of Helsinki dissertation.
- Vartiainen, Turo. 2017. Referential NPs as subtle expressions of attitude in infanticide trials, 1674–1775. *Journal of Historical Sociolinguistics* 3(2): 173–196.
- Vartiainen, Turo. Submitted. Covert attitudes in 18th century rape trials: The portrayal of child plaintiffs in the Old Bailey Corpus and the Proceedings of the Old Bailey, 1720–1749.

- Wallin-Ashcroft, Anna-Lena. 1992. "Poor creatures!" In Lars-Erik Edlund & Gunnar Persson (eds.), *Language – the time machine: papers in honour of Bengt Odenstedt on the occasion of his sixtieth birthday, July 21, 1992*, 183–190. Stockholm: Almqvist & Wiksell International.
- Wallin-Ashcroft, Anna-Lena. 1996. Male and female terms in 18th century English novels. In Gunnar Persson & Mats Rydén (eds.), *Male and female terms in English proceedings of the symposium at Umeå University, May 18–19, 1994*, 175–195. Umeå: Acta Universitatis Umensis.
- Wallin-Ashcroft, Anna-Lena. 2000. *Great men and charming creatures: On male and female terms in eighteenth century novels*. Umeå: Umeå University dissertation.

Appendix A: List of selected non-gendered terms and their adjectival premodifiers

A. Non-gendered terms related to criminal activity and questionable or suspicious character:

Non-gendered term	Premodifiers
<i>blackguard</i>	<i>stinking, little, Irish, low, thorough</i>
<i>criminal</i>	<i>habitual, dangerous, ordinary, great, wise, unfortunate</i>
<i>foreigner</i>	<i>poor, friendless, unfortunate, wealthy, excitable</i>
<i>offender</i>	<i>old, principal, notorious, vile, young, great, supposed, indigent</i>
<i>rascal</i>	<i>young, damned, old, impudent, great, scandalous, cowardly, pretty, little, lewd, ill-looking, Irish, saucy, dreadful, villainous, blood-selling, idle, eternal, murdering</i>
<i>rogue</i>	<i>old, vile, great, young, pilsering, wicked, other, incorrigible, lame, tall, bloody, notorious, Jacobite, big, sad, little, d-d, infernal, dreadful, silly, deceitful, new, Irish, impudent, cheating, saucy, private, murdering, fine, nasty, for-swearing, prodigious</i>
<i>scoundrel</i>	<i>young, old, divorced, Irish, damned, infernal, other, abominable, detestable, silly, thorough</i>
<i>stranger</i>	<i>perfect, entire, utter, total, other, mere, absolute, complete, comparative, only, great, real</i>
<i>thief</i>	<i>convicted, common, old, notorious, noted, bloody, great, reputed, Irish, actual, well-known, professional, habitual, known, good, wholesale, young, practised, dexterous, female, blasted, dangerous, dirty, other, well-trained, blooming, letter-box, experienced, right, grand, real, pilfering, Scotch, long, swindling, d-d, infamous, bloody-minded</i>
<i>villain</i>	<i>old, great, vile, wicked, notorious, murderous, big, little, damned, dastardly, drunken, abandoned, hardened, bloody minded, monstrous, young, barbarous, sorry, forsworn, Irish, real</i>

B. Non-gendered terms related to the defendant's role in court:

Non-gendered term	Premodifiers
<i>defendant</i>	<i>present, other, said, female, then, fellow, real</i>
<i>prisoner</i>	<i>other, female, male, fellow, sure, charged, said, present, middle, authorised, close, certain, unhappy, charging, young, unfortunate, tall, little, pointed, then, sentenced, known, recognised, French, senior, following, black, lame, poor, round, committed, paid, formed, upset, arresting, public-house, above, engaged, picked, quiet, owing, left, political, near, true, engaged, bad</i>

C. Non-gendered terms describing the speaker's relationship to the defendant:

Non-gendered term	Premodifiers
<i>acquaintance</i>	<i>old, particular, slight, intimate, great, small, other, casual, slender, female, short, male, personal, common, only, brief, previous, large, private, neighbourly, respectable, friendly, long, good, Salt-Petre-Bank, late, scraped, new, mere</i>
<i>friend</i>	<i>learned, old, particular, good, intimate, dear, personal, great, young, honest, female, other, true, mutual, sincere, sick, only, rich, imaginary little, respected, private, bad, devoted, worthy, esteemed, confidential, professional, truthful, kind, Australian, invalid, familiar, occasional, beloved, legal, public-house, long, grateful, missing, false, supposed, fancy, trusty, Carral, pray'e, faithful, eloquent</i>
<i>neighbour</i>	<i>opposite, near, next-door, good, civil, honest, quiet, good, right-hand, good natured, agreeable, other, busy, unjust, bad, little, adjacent, said, esteemed</i>

D. Non-gendered terms denoting a human being in general, with or without reference to their age:

Non-gendered term	Premodifiers
<i>child</i>	<i>little, female, said, young, other, deceased, male, quick, illegitimate, healthy, new-born, dead, certain, fine, sick, small, only, delicate, poor, honest, full-grown, dutiful, newly-born, weak, dear, living, ordinary, pretty, certain, still-born, full-time, developed, dirty, particular, strong, nice, legitimate, surviving, sickly</i>
<i>creature</i>	<i>poor, fellow, vile, honest, young, unfortunate, wicked, living, other, cruel, impudent, human, distressed, dear, unhappy, pretty, little, turbulent, violent, scratch-cat, ruined, sober, hard-labouring, nasty, common, afflicted, masculine, passionate, thin, kind-hearted, affectionate, amiable, delicate, good-for-nothing, virtuous, mean looking, civil, fine, good natured, ignorant, wretched, industrious, laborious, harmless, empty, clever, Christian, barbarous, drunken, quarrelsome</i>
<i>individual</i>	<i>private, particular, ordinary, single, other, humble, specific, robust, dishonest</i>
<i>person</i>	<i>other, only, certain, proper, young, honest, particular, respectable, evil-disposed, very, suspected, male, suspicious, innocent, guilty, single, wrong, private, principal, responsible, different, right, poor, only, insane, disorderly, said, unknown, ordinary, evil disposed, sober, identical, healthy, sick, sane, industrious, strange, malicious, chief, likely, tall, fit, dead, accused, independent, real, professional, grown-up</i>
<i>youth</i>	<i>young, honest, unhappy, industrious, deceased, other, genteel, confidential, short, mere, extreme, early, lovely, just, likely, little, fine, wild, missing</i>

Appendix B: Different meanings of *creature* in use between 1730 and 1910

1.

a. A created thing or being; a product of creative action; a creation.

†b. The created universe; creation. *Obs.*

†c. [After 1 Timothy 4:4 (‘every creature of God is good’).] Frequently in **good creature**. A material comfort; something which promotes well-being, esp. food. *Obs.*
d. *humorous*. Usually with *the*. Alcoholic drink, *esp.* whisky. Not chiefly *Sc.* and *Irish English*, esp. in form **cratur**.

2. A human being; a person, an individual.

a. With modifying word indicating the type of person and esp. expressing admiration, affection, compassion, or commiseration.

b. Without qualification. Cf. FELLOW CREATURE **n.** Frequently with determiner forming combinations corresponding to pronouns based on *body* (as *anybody*, *nobody*, etc.).

c. A reprehensible or despicable person. Originally with modifying word, but later also used alone.

3.

a. A living or animate being; an animal, often as distinct from a person.

b. Chiefly *U.S. regional*. A farm animal; (in *pl.*) cattle. Now *rare*.

4. A person who owes his or her fortune and position, and remains subservient to, a patron: a person who is ready to do another’s bidding; a puppet, a cat’s paw. Also in extended use.

5. *fig.* A result, product, or offspring *of* something; a creation.

(OED: CREATURE, n.)

Appendix C. Different meanings of *person* in use between 1730 and 1910

1. A role of character assumed in real life, or in a play, etc.: a part, function, or office; a persona; a semblance or guise. Hence: any of the characters in a play or story.

2.

a. An individual human being; a man, woman, or child.

b. A man or woman of high rank, distinction, or importance; a personage. Usually (and now only) with modifying word or phrase.

c. In emphatic use: a human being, as distinguished from an animal, thing, etc. In later use also: an individual regarded as having human rights, dignity, or worth. Cf. sense 5.

d. An individual considered to be of low rank, status, or worth.

3.

a. The self, being, or individual personality of a man or woman, esp. as distinct from his or her occupation, works, etc. Formerly also as a term of respectful reference: e.g. the king's person for 'the king'. Also *fig.*

b. A man or woman considered as a physical presence at some place or event. Now only in *in person*.

4.

a. The living body or physical appearance of a human being; *spec.* (a) the body regarded as distinct from the mind or soul, or from its clothing, etc.; (b) the body regarded together with its clothes and adornments.

b. An individual considered with regard to his or her outward appearance; a figure of a man, woman, etc. Usually with distinguishing word. Now merged in sense 2. Cf. FIGURE *n.* 5a.

5. In general philosophical sense: a conscious or rational being.

6.

a. *Theol.* Each of the three modes of being of God (Father, Son, and Holy Spirit) which together constitute the Trinity. Cf. ESSENCE *n.* 4b, HYPOSTASIS *n.* 5, SUBSTANCE *n.* 1.

b. *Theol.* The personality of Christ, esp. as uniting divine and human natures; = HYPOSTASIS *n.* 5(a).

†**c. *Philos.*** Substance; = HYPOSTASIS *n.* 3. *Obs. rare*⁻¹.

7. *Law.* An individual (NATURAL PERSON *n.*) or corporate body (artificial person) recognized by the law as having certain rights and duties.

8. *Grammar.* A category used in the classification of pronouns, possessive determiners, and verb forms, according to whether they indicate the speaker, the addressee, or someone or something spoken of; each of the three distinctions (FIRST PERSON *n.* 2a, second person, and third person respectively) within this category.

(OED: PERSON, *n.*)

Appendix D: Frequency tables for specified figures

Data for Figure 3: Gender and role of referents (*creature*)

Gender of referent								
Role of	Female		Male		Undefined		Total	
referent	freq.	%	freq.	%	freq.	%	freq.	%
Defendant	47	57.32	6	60.00	0	0.00	53	47.32
Victim	18	21.95	3	30.00	0	0.00	21	18.75
Witness	1	1.22	0	0.00	0	0.00	1	0.89
Other	16	19.51	1	10.00	20	100.00	37	33.04
Total	82	100.00	10	100.00	20	100.00	112	100.00

Data for Figure 5: Gender of speakers and referents (*creature*)

Gender of referent								
Gender of speaker	Female		Male		Undefined		Total	
	freq.	%	freq.	%	freq.	%	freq.	%
Female	44	53.66	5	50.00	13	65.00	62	55.36
Male	38	46.34	5	50.00	7	35.00	50	44.64
Total	82	100.00	10	100.00	20	100.00	112	100.00

Data for Figure 9: Gender and role of referents (*person*)

Gender of referent								
Role of	Female		Male		Undefined		Total	
referent	freq.	%	freq.	%	freq.	%	freq.	%
Defendant	14	74.07	40	25.93	0	0.00	54	100.00
Victim	1	50.00	1	50.00	0	0.00	2	100.00
Other	4	37.25	19	7.84	28	54.90	51	100.00
Total	19	56.07	60	17.76	28	26.17	107	100.00

Data for Figure 10: Gender of speakers and referents (*person*)

Gender of speaker	Gender of referent							
	Female		Male		Undefined		Total	
	freq.	%	freq.	%	freq.	%	freq.	%
Female	9	47.37	4	6.67	4	14.29	17	15.89
Male	10	52.63	56	93.33	24	85.71	90	84.11
Total	19	100.00	60	100.00	28	100.00	107	100.00

Appendix E: Offence categories included in MCA of *creature*

Main category	Total (main)	Subcategories	Total (sub)
Theft	28	grand larceny	19
		pocket picking	3
		theft from a specified place	2
		receiving	2
		burglary	1
		other	1
Killing	17	murder	14
		infanticide	3
Violent theft	5	robbery	3
		highway robbery	2
Breaking the peace	3	wounding	2
		riot	1
Deception	3	forgery	2
		fraud	1
Royal offences	2	coining	2
Miscellaneous	1	returning form transportation	1

Appendix F: Offence categories included in MCA of *person*

Main category	Total (main)	Subcategories	Total (sub)
Theft	58	grand larceny	21
		theft from a specified place	17
		burglary	6
		shoplifting	3
		pickpocketing	3
		animal theft	3
		other	3
		extortion	1
		housebreaking	1
Violent theft	23	highway robbery	23
Deception (12)	12	Forgery	12
Killing (11)	11	murder	9
		petty treason	2
Sexual offences (3)	3	bigamy	2
		rape	1
Royal offences (2)	2	tax offences	2